

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

OCT 4 1972

TELETYPE

NR011 SI CODED

11:38 PM NITEL 12-3-72 BRC

TO ACTING DIRECTOR (65-74060) ATTN: DID

FROM SPRINGFIELD (65-1274) 2 PP

LEK - SIO

Mr. Felt	_____
Mr. Baker	_____
Mr. Bates	_____
Mr. Bishop	_____
Mr. Callahan	_____
Mr. Cleveland	_____
Mr. Conrad	_____
Mr. Dalbey	_____
Mr. Jenkins	_____
Mr. Marshall	_____
Mr. Miller, E.S.	_____
Mr. Ponder	_____
Mr. Soyars	_____
Mr. Walters	_____
Tele. Room	_____
Mr. Kinley	_____
Mr. Armstrong	_____
Ms. Herwig	_____
Mrs. Neenan	_____

DANIEL ELLSBERG LECTURED AS SCHEDULED AT SEVEN P. M.,
INSTANT DATE, AT LENTZ GYMNASIUM, EASTERN ILLINOIS UNIVERSITY,
CHARLESTON, ILLINOIS, TO AN ESTIMATED NINE HUNDRED - THOUSAND
PERSONS, MIXED STUDENTS AND GENERAL ADMISSION, CONCERNING
CONTENTS OF HIS BOOK "THE PENTAGON PAPERS" AND HIS REASONS
FOR DISSEMINATING CLASSIFIED DOCUMENTS CONTAINED THEREIN.
ELLSBERG LECTURE WAS NOT INFLAMMATORY AND IS CHARACTERIZED AS
HIS OPINIONS OF ERRONEOUS AND IMMORAL U. S. GOVERNMENTAL
DECISIONS WHICH CAUSED HIM TO REVEAL CLASSIFIED DOCUMENTS AS
A MEANS OF BRINGING THESE DECISIONS AND POLICIES TO THE
ATTENTION OF THE AMERICAN PEOPLE. ELLSBERG STATED THAT THE
PENTAGON PAPERS REVEALED IN DOCUMENTARY FORM WHAT A SUCCESSION
OF U. S. PRESIDENTS KNEW ABOUT VIETNAM, AND WHAT LIES THEY HAD
TOLD THE AMERICAN PEOPLE ABOUT IT. HE STATED THAT HE HAD BECOME

END PAGE ONE

ST-102

15 OCT 17 1972

cc to ISO
Adm data
de letal
jan

97 OCT 20 1972

Jan 15

71

SI 65-1274

PAGE TWO

A PART OF "A SYSTEM FROM TOP TO BOTTOM WHICH LIES TO EACH OTHER BY REFLEX, AND (LIES) TO THE AMERICAN PEOPLE BY CONVENIENCE."

HE STATED THAT HE WENT TO TONY RUSSO ON SEPTEMBER THIRTY, NINETEEN SIXTYNINE AND FOUND A XEROX MACHINE TO REPRODUCE THE PAPERS IN HIS POSSESSION TO BRING THESE LIES TO THE ATTENTION OF THE AMERICAN PEOPLE. HE DEFENDS HIS ACTIONS BY STATING THAT THERE WAS NO CONGRESSIONAL STATUTORY BASIS FOR PROSECUTION AND STATED THAT HIS CONVICTION WOULD SUPPRESS THE FIRST AMMENDMENT RIGHTS OF INDIVIDUALS AND OF THE PRESS.

THE LECTURE TERMINATED WITH A QUESTION AND ANSWER PERIOD WHICH ELLSBERG USED TO PRIMARILY ENDORSE THE CANDIDACY OF SENATOR MC GOVERN AND TO BERATE THE POLICIES OF PRESIDENT NIXON.

ADMINISTRATIVE:

RE BUREAU AIRTEL TO SPRINGFIELD SEPTEMBER NINETEEN LAST.

[REDACTED] ATTENDED
INSTANT LECTURE WITHOUT INCIDENT.

TRANSCRIPTIONS OF LECTURE AND LHM WILL FOLLOW.

AIRMAIL COPY TO LOS ANGELES.

END

LNG FBI WA CLR

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

OCT 4 1972
TELETYPE

Mr. Felt	_____
Mr. Baker	_____
Mr. Bates	_____
Mr. Bishop	_____
Mr. Callahan	_____
Mr. Cleveland	_____
Mr. Conrad	_____
Mr. DeLoach	_____
Mr. Jenkins	_____
Mr. Marshall	_____
Mr. Miller, E.S.	_____
Mr. Ponder	_____
Mr. Soyars	_____
Mr. Walters	_____
Tele. Room	_____
Mr. Kinley	_____
Mr. Armstrong	_____
Ms. Herwig	_____
Mrs. Neenan	_____

NR 003 SA CODE

11:15 AM URGENT 10-4-72 DET

TO ACTING DIRECTOR (65-74060)

FROM SAN ANTONIO (65-1828) (P)

1P

MC LEK. SIO.

copy
C. J. Brennan

PEBUAIRTELS TO ALBANY, MARCH SIXTEEN, LAST, AND AUGUST THIRTYONE, LAST.

FOR INFORMATION OF BUREAU, SEPTEMBER THREE, LAST, ISSUE OF SAN ANTONIO EXPRESS CONTAINED ARTICLE STATING DANIEL ELLSBERG WILL SPEAK AT EIGHT P.M., THURSDAY, OCTOBER FIVE, NEXT, AT TRINITY UNIVERSITY, SAN ANTONIO, TEXAS.

ON OCTOBER THREE, LAST, [REDACTED] AS A MATTER OF COURSE THE UNIVERSITY RECORDS SPEECHES BY VISITING LECTURERS. SOURCE STATED HE WOULD OBTAIN RECORDING OF ELLSBERG'S SPEECH AND PROVIDE IT TO SAN ANTONIO OFFICE.

SAN ANTONIO WILL OBTAIN RECORDED SPEECH OF ELLSBERG, REDUCE IT TO WRITING, AND SUBMIT LHM PROMPTLY ON RECEIPT OF RECORDING.

END

JGM FBI WASHDC CLR

97 OCT 20 1972

REC-21
65-79060-3993
87-102

John

COMMUNICATIONS SECTION

OCT 4 1972

TELETYPE

Mr. Felt	_____
Mr. Baker	_____
Mr. Bates	_____
Mr. Bishop	_____
Mr. Callahan	_____
Mr. Cleveland	_____
Mr. Conrad	_____
Mr. Dalbey	_____
Mr. Jenkins	_____
Mr. Marshall	_____
Mr. Miller, E.S.	_____
Mr. Ponder	_____
Mr. Soyars	_____
Mr. Walters	_____
Tele. Room	_____
Mr. Kinley	_____
Mr. Armstrong	_____
Ms. Herwig	_____
Mrs. Neenan	_____

EM/133

COB
C. J. [unclear]

NR001 BS CODE

1:30P 10-4-72 DMD URGENT

TO ACTING DIRECTOR 65-74060 ATTN: DOMINTEL

LOS ANGELES 105-27952

SAN FRANCISCO

65-6076

FROM BOSTON 65-5236

MC LEK - SIO, BUDED OCT. FOUR, INSTANT.

RE BUREAU NITEL TO BOSTON, ET AL, OCT. THREE, LAST.

REVIEW OF SAN FRANCISCO REPORT OF [REDACTED]
DATED OCT. TWELVE, SEVENTY, ENTITLED [REDACTED]
SM - MISCELLANEOUS (KEY ACTIVIST), BUREAU FILE [REDACTED]
[REDACTED] BOSTON FILE [REDACTED]

REFLECTS NO 65-74060-3974

(REC-21)

DISSEMINATION OF THIS REPORT WITH IN BOSTON DIVISION.

REVIEW OF SAN FRANCISCO REPORT WAS MADE BY [REDACTED]

ON OCT. FOUR, INSTANT.

END

RES FBI WASH CLR

ST-102

[Handwritten signature]

97 OCT 20 1972

F B I

Date: 10-2-72

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL _____
(Priority)

TO: ACTING DIRECTOR, FBI (65-74060)

FROM: SAC, CLEVELAND (65-3521) (P)

RE: MC LEK
SIO

Re Cleveland airtel to Bureau, 9-22-72.

[REDACTED] who has furnished reliable information in the past, advised DANIEL ELLSBERG is scheduled to attend a fund raising dinner on October 4, 1972, at 12:00 noon at the residence of Dr. RICHARD TOERNE, 428 Dansel Street, Kent, Ohio. TOERNE is an Associate Professor of English at Kent State University, (KSU).

The dinner is being offered at a \$10.00 donation in an effort to raise defense funds for ELLSBERG as well as funds for the Portage County, Ohio Chapter of the American Civil Liberties Union (ACLU). TOERNE is known to be associated with ACLU, and was previously active on KSU campus condemning the shooting of students by National Guardsmen in May, 1970.

Source further advised ELLSBERG is scheduled to make a speech to the student body entitled, "Government Secrecy and Personal Responsibility" on the "Commons" at KSU between 4:00 PM and 6:00 PM. In conjunction with the speech,

- ② - Bureau (RM)
- 2 - Los Angeles (105-27952) (RM)
- 2 - Cleveland

GJS:imp
(6)

ST-102

REC-21 65-74060-11007

20 OCT 6 1972

SPECIAL AGENT IN CHARGE

97 OCT 20 1972

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

CV 65-3521

ELLSBERG is scheduled to have a film made on campus. The speech is sponsored by the ACLU and the Vietnam Vets Against the War (VVAW).

Based on the geographical area of ELLSBERG's speech' on KSU and the explosive nature of the student body on KSU campus, Cleveland is not in a position to assure full security in successful recording ELLSBERG's comments. Accordingly, coverage will be maintained through news media and established sources only.

*10/12
JPM*

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. E. S. Miller *EM*

FROM : C. D. Brennan *CD Brennan*

SUBJECT: MC LEK

1 - Mr. E. S. Miller
1 - Mr. C. D. Brennan
1 - Mr. J. A. Mintz
DATE: 10/6/72
1 - Mr. J. R. Wagoner

Felt _____
Baker _____
Bates _____
Bishop _____
Callahan _____
Cleveland _____
Conrad _____
Dalbey _____
Jenkins _____
Marshall _____
Miller, E.S. _____
Ponder _____
Soyars _____
Walters _____
Tele. Room _____
Mr. Kinley _____
Mr. Armstrong _____
Ms. Herwig _____
Mrs. Neenan _____

The following is to record the fact that Departmental Attorney Benjamin Flannagan, who is handling civil suit recently filed in District of Columbia by Daniel Ellsberg, et al, has extended date for FBI to respond to questions in the suit to 10/20/72.

On 9/19/72, civil action number 1879-72 was filed in District of Columbia by Daniel Ellsberg, Anthony Russo, their attorneys and consultants naming former Attorney General John Mitchell and others including Acting Director Gray, as defendants. Suit seeks information regarding wiretaps on the plaintiffs.

Department, by letter dated 9/22/72, requested by 10/9/72, Bureau furnish answers to questions in the suit and advise which allegations of the complaint should be admitted or denied.

There are 19 plaintiffs and current research being done by the field and the Bureau indicates voluminous overhears involving eight of the plaintiffs. Most of this information has been disseminated outside the Bureau in letterhead memoranda or reports. The locating and duplication of the necessary documents is so extensive that Departmental Attorney Benjamin Flannagan has extended the date for Bureau response to 10/20/72.

ACTION

None for information.

JRW:blbl
(5) *gaw*

REG-21

65 74060

ST-102

EM

OCT 17 1972

gaw 15

9 OCT 20 1972

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

Mr. Felt	_____
Mr. Baker	_____
Mr. Bates	_____
Mr. Bishop	_____
Mr. Callahan	_____
Mr. Cleveland	_____
Mr. Conrad	_____
Mr. Dalbey	_____
Mr. Jenkins	_____
Mr. Marshall	_____
Mr. Miller	_____
Mr. Rosen	_____
Mr. Soyars	_____
Mr. Walters	_____
Tele. Room	_____
Mr. Kinley	_____
Mr. Atashong	_____
Ms. Harvie	_____
Mrs. Neenan	_____

FTB029 10-11-72 3:56 PM GXC

STATE 039

1:30PM URGENT 10/11/72 JMD

TO ACTING DIRECTOR (105-106720) NR 261-11

FROM [REDACTED] 65-807) 1P

OCT 11 1972
TELETYPE

MCLEK, SIO

CSB
CD [Signature]

REBUCAB OCTOBER TEN, LAST.

INFORMATION SET FORTH IN SAN FRANCISCO AIRTEL AND LHM, FEBRUARY
THIRTEEN, NINETEEN SEVENTY, CAPTIONED [REDACTED] WAS DISSEMINATED
ON FEBRUARY TWENTY-SIX, NINETEEN SEVENTY, TO [REDACTED]

[REDACTED]

[REDACTED] NO ADDITIONAL DISSEMINATION MADE.

END

ST-102

REC-21

65-74060-110

15 OCT 17 1972

JB VDM

CLR

9 OCT 20 1972

3rd cc Mr. Schwartz

[Signature]

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

SEP 28 1972

TELETYPE

NR 006 BS CODE

135 PM URGENT 9-28-72 JAM

TO: ACTING DIRECTOR 65-74060 ATTN: DOMINTEL

LOS ANGELES 105-27952

SAN FRANCISCO 65-6076

FROM: BOSTON 65-5236 ONE PAGES

MC LEK - SIO.

Mr. Felt	_____
Mr. Baker	_____
Mr. Bates	_____
Mr. Bishop	_____
Mr. Callahan	_____
Mr. Cleveland	_____
Mr. Conrad	_____
Mr. Dalbey	_____
Mr. Jenkins	_____
Mr. Marshall	_____
Mr. Miller	_____
Mr. Ponder	_____
Mr. Soyars	_____
Mr. Walters	_____
Tele. Room	_____
Mr. Kinley	_____
Mr. Armstrong	_____
Ms. Herwig	_____
Mrs. Neenan	_____

CPB / gmv

RE SAN FRANCISCO TELETYPE TO BUREAU, SEPT.
TWENTYSIX, LAST, AND BUREAU TELETYPE TO BOSTON, SEPT.
TWENTYSEVEN LAST.

ASSISTANT DISTRICT ATTORNEY JOSEPH NIELAND,
MIDDLESEX COUNTY DISTRICT ATTORNEY'S OFFICE, WAS
CONTACTED ON THIS DATE AND ADVISED HE HAD NO OBJECTION
TO AN INTERVIEW OF [REDACTED] WITH HIS ATTORNEY
AT SAN FRANCISCO CONCERNING [REDACTED] ALLEGATIONS
ABOUT [REDACTED] AND DANIEL ELLSBERG. BOSTON
SUGGESTS THAT SAN FRANCISCO MAY DESIRE TO AWAIT
RECEIPT OF RESULTS OF INVESTIGATION BY ARLINGTON, MASS.,
POLICE DEPARTMENT PRIOR TO INTERVIEW OF [REDACTED]
END

yes gmv

FWB FBI WASH DC ACK FOR ONE

ST-102

97 OCT 20 1972

15 OCT 17 1972

gmv/s

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

SEP 21 1972

TELETYPE

Mr. Felt	_____
Mr. Baker	_____
Mr. Bates	_____
Mr. Bishop	_____
Mr. Callahan	_____
Mr. Cleveland	_____
Mr. Conrad	_____
Mr. Dalbey	_____
Mr. Jenkins	_____
Mr. Marshall	_____
Mr. Miller, E.S.	_____
Mr. Ponder	_____
Mr. Soyars	_____
Mr. Walters	_____
Tele. Room	_____
Mr. Kinley	_____
Mr. Armstrong	_____
Ms. Herwig	_____
Mrs. Neenan	_____

NR 024 LA CODE

8:04 PM URGENT 9-21-72 AXV

TO ACTING DIRECTOR (65-74060)

ATTN: D I D

BOSTON (65-5236)

NEW YORK (65-2564)

SAN FRANCISCO (65-6076)

FROM LOS ANGELES (105-27952) 2P

MC LEK; SIO.

RE SAN FRANCISCO NITEL SEPTEMBER TWENTY LAST, CAPTIONED

[REDACTED] ET AL, COPIES DESIGNATED TO RECIPIENTS MC LEK FILES.

IN THE EVENT [REDACTED] MAY HAVE KNOWLEDGE OF, OR WERE INVOLVED IN THE DISTRIBUTION OF THE PENTAGON PAPERS IN THE BOSTON AREA, JUNE - JULY, SEVENTY ONE, RECIPIENTS CONDUCT THE FOLLOWING INVESTIGATION:

BOSTON: CONTACT ARLINGTON, MASSACHUSETTS PD AND DETERMINE FULL DETAILS OF MURDER OF [REDACTED]

REVIEW INDICES AND CONTACT SOURCES TO DETERMINE IF [REDACTED]

[REDACTED] WERE INVOLVED IN EXTREMIST GROUP ACTIVITY, BOSTON AREA.

END PAGE ONE

ST-102

15 OCT 17 1972

6-0012-1372
9 OCT 24 1972

UNRECORDED COPY FILED IN

LA 105-27952

PAGE TWO

LOCATE AND INTERVIEW [REDACTED] PARENTS RE [REDACTED]
ALLEGATION THAT COPIES OF PENTAGON PAPERS IN THEIR POSSESSION.

NEW YORK: REVIEW [REDACTED] FILE FOR INFORMATION CONCERNING
HIS WHEREABOUTS DURING SUMMER, SEVENTY ONE OR
ANY OTHER INFORMATION WHICH WOULD SUBSTANTIATE OR DISPROVE
THE ALLEGATION.

SAN FRANCISCO: RECONTACT ATTORNEY [REDACTED]
TO DETERMINE IF [REDACTED] WOULD BE AMANABLE TO INTERVIEW WITH
BUAGENTS AT THIS TIME. DO NOT CONDUCT INTERVIEW WITHOUT
PRIOR BUREAU AUTHORITY.

ALL OFFICES SUBMIT RESULTS OF INVESTIGATION IN REPORT
FORM UNDER ELLSBERG CAPTION. SAN FRANCISCO INCORPORATE
INFORMATION FURNISHED BY NATHANSON IN REFERENCED NITEL IN
NEXT REPORT.

END

[REDACTED]

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

SEP 23 1972

TELETYPE

Mr. Felt	_____
Mr. Baker	_____
Mr. Bates	_____
Mr. Bishop	_____
Mr. Callahan	_____
Mr. Cleveland	_____
Mr. Conrad	_____
Mr. Dalbey	_____
Mr. Jenkins	_____
Mr. Marshall	_____
Mr. Miller, E.S.	_____
Mr. Pender	_____
Mr. Soyars	_____
Mr. Walters	_____
Tele. Room	_____
Mr. Kinley	_____
Mr. Armstrong	_____
Ms. Herwig	_____
Mrs. Neenan	_____

NR038 NY CODE

119 AM 9-23-72

NITEL 9-22-72 CJR

TO ACTING DIRECTOR 65-74060

ATT DID

BOSTON 65-5236

LOS ANGELES 105-27952

SAN FRANCISCO 65-6076

FROM NEW YORK 65-2564 1P

MC LEK; SIO

REFERENCE LOS ANGELES TELETYPE TO BUREAU, SEPTEMBER
TWENTY ONE, SEVENTY TWO.

NEW YORK REPORT ON [REDACTED] BEING
DICTATED UNDER ELLSBERG CAPTION.
END

AKK FOR THREEE PLS

BJM FBI WASHDC

RECVD THREE TELS

CLR

ST-102

REC-21

15 OCT 17 1972

97 OCT 24 1972

Mr. Felt _____
Mr. Baker _____
Mr. Bates _____
Mr. Bishop _____
Mr. Callahan _____
Mr. Cleveland _____
Mr. Conrad _____
Mr. Dalbey _____
Mr. Jenkins _____
Mr. Marshall _____
Mr. Miller _____
Mr. Under _____
Mr. Soyars _____
Mr. Walters _____
Tele. Room _____
Mr. Hinley _____
Mr. Armstrong _____
Ms. Herwig _____
Mrs. Neenan _____

NR 009 SF CODE

12:58 AM NITEL 9-22-72 CJC SENT 9/23/72

TO: ACTING DIRECTOR (65-74060) (ATTN: DID)

LOS ANGELES (105-27952)

FROM: SAN FRANCISCO (65-6076)

MC LEK; SIO.

RE LOS ANGELES TEL DATED SEPTEMBER TWENTY ON LAST.

ATTEMPTS TO RECONTACT [REDACTED] ATTORNEY FOR [REDACTED]

[REDACTED] WILLINGNESS TO INTERVIEW WITH
BUAGENTS, NEGATIVE TO DATE. SAN FRANCISCO ANTICIPATES CONTACT
ON SEPTEMBER TWENTY-FIVE NEXT. BUREAU AND INTERESTED OFFICES
WILL BE ADVISED.

END

ACK FOR FIVE TELS LNG FBI WA CLR TU AR

(REC-21)

65-74060-402

ST-102

97 OCT 24 1972

6 OCT 20 1972

Handwritten signature

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

OCT 16 1972 *mxw*

TELETYPE

Mr. Felt	_____
Mr. Baker	_____
Mr. Bates	_____
Mr. Bishop	_____
Mr. Callahan	_____
Mr. Cleveland	_____
Mr. Conrad	_____
Mr. DeLoev	_____
Mr. Jenkins	_____
Mr. Marshall	_____
Mr. McMillan	_____
Mr. Ponder	_____
Mr. Soyars	_____
Mr. Walters	_____
Tele. Room	_____
Mr. Kinley	_____
Mr. Armstrong	_____
Ms. Herwig	_____
Mrs. Neenan	_____

NR 01 PG CODE

3:50 PM URGENT 10-16-72

TO: ACTING DIRECTOR, FBI (65-74060) (62-318)
FROM: SAC, PITTSBURGH (92-47 SUB 2)

MC LEX, SIO

~~X~~ RE NEW HAVEN TELETYPE TO BUREAU AND OTHERS DATED OCTOBER
TWELVE, SEVENTY TWO.

~~X~~ THERE IS NO INDICATION PITTSBURGH FILES, AS REVIEWED BY
[REDACTED] THAT INFORMATION FROM [REDACTED]
[REDACTED] REGARDING [REDACTED] WAS FURTHER DISSEMINATED BY
THE PITTSBURGH OFFICE.

END

JRM FBI WASH DC

CLR

AND TU

ST-102

REC-211

65-74060-4021

OCT 17 1972

97001201972

gmb

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

001 01072

TELETYPE

Mr. Felt	_____
Mr. Baker	_____
Mr. Bates	_____
Mr. Bishop	_____
Mr. Callahan	_____
Mr. Cleveland	_____
Mr. Conrad	_____
Mr. Dalbey	_____
Mr. Jenkins	_____
Mr. Marshall	_____
Mr. Miller, E.S.	_____
Mr. Ponder	_____
Mr. Soyars	_____
Mr. Walters	_____
Tele. Room	_____
Mr. Kinley	_____
Mr. Armstrong	_____
Ms. Herwig	_____
Mrs. Neenan	_____

NR 007 SF PLAIN

1045 PM NITEL 10/5/70 JCR

TO ACTING DIRECTOR, FBI (65-74060) (ATTN: DID)

LOS ANGELES (105-27952)

FROM SAN FRANCISCO (65-6776)

MCLEK; SID.

REFERENCE SAN FRANCISCO NITEL TO BUREAU SEPTEMBER TWENTY SIX LAST; NITEL TO BOSTON SEPTEMBER TWENTY SEVEN LAST; BOSTON AIRTEL TO BUREAU SEPTEMBER TWENTY SEVEN LAST AND BOSTON TEL TO BUREAU SEPTEMBER TWENTY EIGHT LAST.

SAN FRANCISCO PRESENTLY IN RECEIPT OF RESULTS OF INVESTIGATION AT ARLINGTON, MASSACHUSETTS. BUREAU AUTHORITY IS REQUESTED FOR INTERVIEW OF [REDACTED] AS SET FORTH IN REFERENCED SAN FRANCISCO NITEL.

END

WASH. HOLD

REC-69

65-74060-4126

ST-111

FBI OCT 12 1970

Jan 15

1 - Mr. J. R. Wagoner

Airtel

10/11/72

To: SAC, San Francisco (65-6076)
From: Acting Director, FBI (65-74060) 4026

MC LEK
SPECIAL INVESTIGATIONS OFFICE

ReSFtel dated 10/5/72.

San Francisco is authorized to interview [redacted] in the presence of his attorney as set forth in San Francisco airtel to Bureau dated 9/26/72. In view of [redacted] reputation for not telling the truth, interviewing Agents should be most alert for any statements by [redacted] indicating his contended connection with Ellsberg is false. Information developed in the Ellsberg case has not revealed any connection between Ellsberg or Ellsberg's associates with [redacted]. Information set forth in Boston letterhead memorandum dated 9/27/72, further tends to discredit [redacted] allegations. In spite of the foregoing, however, in view of the seriousness of [redacted] allegations he should be interviewed thoroughly and every effort made to pin down areas of his story which can be verified.

1 - Los Angeles (105-27952)

JRW:bl bl
(5)

NOTE:

[redacted] presently incarcerated Oakland, California, on charges stemming from a con game scheme involving travelers checks. He is wanted by Arlington, Massachusetts, for murder of [redacted] which occurred 8/5/71. During 9/72, he telephoned the San Francisco Office and indicated willingness for an interview by Bureau Agents relative to his knowledge about the distribution of Pentagon papers to Russian Agents. His attorney, [redacted] who has described [redacted] as not known for "telling the truth" has agreed to an interview of [redacted] by [redacted].

MAILED 24

OCT 11 1972

FBI

NOTE CONTINUED PAGE TWO

MAIL ROOM ☒ TELETYPE UNIT ☐

20 NOV 7 1972

Wagoner

8/5
CSB/gm
9

Airtel to San Francisco
Re: Mc Lek
65-74060

Agents provided he can be present. Bureau indices do not set forth any information regarding [REDACTED] which would preclude his being present during interview.

Investigation of [REDACTED] by Boston including an interview of the parents of [REDACTED] tends to indicate [REDACTED] has fabricated his story. In spite of [REDACTED] reputation and results of Boston's investigation interview of [REDACTED] is warranted to obtain details of his allegation in order that same can be resolved.

UNITED STATES GOVERNMENT

Memorandum

TO : ACTING DIRECTOR, FBI (65-74060) DATE: 10/12/72

FROM : SAC, NEWARK (65-6215) (RUC)

SUBJECT: MCLEK
SIO
OO: LOS ANGELES

Re Newark teletype 9/15/72.

Enclosed for the Bureau are seven copies and for Los Angeles, two copies of an LHM captioned "DAVID ELLSBERG."

Source mentioned in LHM is [REDACTED]

Newark had received Bureau permission to have source record speech of ELLSBERG. Source did record the speech, but the recording is of poor quality and a transcript could not be made by Newark.

As ELLSBERG made no inflammatory statement in his speech, no additional effort will be made to transcribe it and no FD-302 submitted.

Newark indices contain no information concerning the Princeton Faculty-Student Ad Hoc Committee for Peace and Human Rights. Newark does have pending 100 cases on the University Action Group and Citizens in Search of Peace based on their participation in past peace demonstrations at Princeton, New Jersey, but information to date does not warrant characterization in this LHM.

- 2 - Bureau (Enc. 7) *ENCLOSURE*
2 - Los Angeles (105-27952) (Enc. 2)
4 - Newark
- [REDACTED]

(1-134-2892A)

HAF/aff
(8)

*1 cc encl to 15D. Martin (info)
10-17-72 4 encls destroyed*

JKW/rep

OCT 16 1972

SPEC. INF. OFFICE





UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

Newark, New Jersey

October 12, 1972

In Reply, Please Refer to
File No.

DANIEL ELLSBERG

On September 7, 1972, a source, who has furnished reliable information in the past, furnished a handbill indicating that Daniel Ellsberg was to give a lecture on Friday, September 15, 1972, at Alexander Hall, Princeton University, Princeton, New Jersey. His appearance was sponsored by the Citizens in Search of Peace, Princeton Faculty-Student Ad Hoc Committee for Peace and Human Rights and the University Action Group. The handbill indicated that Ellsberg has been invited to present his case personally to the public concerning the Pentagon Papers; to help support a petition against the proposed move of the Institute for Defense Analysis (IDA) into Princeton Township and to enlist support for his defense fund. It was indicated that a \$2.00 contribution would be requested at the door. The handbill urged all members of the community to attend.

On September 15, 1972, the source advised that Daniel Ellsberg spoke at 8:30 pm at Alexander Hall, Princeton University, Princeton, New Jersey, before an audience of approximately two thousand people. He spoke for approximately one and one-half hours discussing President Nixon's policies, the approaching presidential election, his own anti-war views and the part played by the Institute for Defense Analysis in the defense of the United States. Source advised that Ellsberg made no inflammatory statements and personally recorded his own speech, advising the audience he was doing so for his own protection.

This document contains neither recommendations nor conclusions of the Federal Bureau of Investigation (FBI). It is the property of the FBI and is being loaned to your agency; it and its contents are not to be distributed outside your agency, nor duplicated within your agency.

65-74060-4027

F B I

Date: 10/18/72

Transmit the following in _____
(Type in plaintext or code)

AIRTEL

(Priority)

TO: ACTING DIRECTOR, FBI
 FROM: LEGAT, COPENHAGEN (65-13) (P)
 MCLEK - SPECIAL INVESTIGATIONS OFFICE

ReCOPairtel 10/16/72.

[REDACTED] this office have now advised that ANTHONY RUSSO, mentioned in reairtel, was one of the speakers during the demonstration in front of the American Embassy, Copenhagen, on 10/14/72.

On 10/18/72, [REDACTED] furnished the following summary of RUSSO's remarks which is based on the observations of two members of [REDACTED]

"Russo started with expressing his condemnation of the United States' politics in Vietnam, and he characterized President Nixon as being one of the worst mass-assassins in world history. He pointed out that the so-called 'peace tours' made by President Nixon and Mr. Kissinger throughout the world were based on lies, as they did not really go with peace on their program. The paradox in the whole Vietnam war was that the Americans attacked the most democratic and heroic population in the world. Russo thought that the only honorable way for the United States to get out of this war was to submit to the '7-point declaration.' He deplored that the American Government had blamed the Danish Government and Prime Minister for having spoken at the opening of the 'Vietnam Tribunal' in Copenhagen. He said that the U.S. Government had insulted the Swedish Government

- 5 - Bureau
 (1 - Foreign Liaison) (direct)
 (2 - Los Angeles)
 1 - Copenhagen

REP:ims

(6)

9 NOV 1 1972

Special Agent in Charge

Sent _____

M

Per _____

REC-41
 1 cc to AIA, 65-74060-4029
 150-10/24/72
 10-27-
 12 OCT 24 1972
 SPEC. INV. OFFICE

"by having refused to give the Secretary of the 'Vietnam Commission,' Mr. Hans-Goran Franck, a visa to the United States; a three-week delay for obtaining a visa was unprecedented, and Hans-Goran Franck consequently had been unable to influence the Presidential election in November. Russo ended his speech by thanking the Danish people and the Danish Vietnam committees for having been invited to come to Copenhagen."

"The Pentagon reports were not mentioned in Russo's speech."

"Russo was not among the members of the Vietnam committee who handed over a resolution to the American Embassy."

We will promptly advise the Bureau of any additional pertinent information which may come to our attention concerning RUSSO.

F B I

Date: 10/19/72

Transmit the following in _____
(Type in plaintext or code)Via A I R T E L _____
(Priority)

TO: ACTING DIRECTOR, FBI (65-74060)
 FROM: SAC, CLEVELAND (65-3521) (P)
 RE: MC LEK
 SIO

On 10/19/72, [REDACTED] a fund-raising dinner is planned for DANIEL ELLSBERG on 10/19/72 at Crawford Hall at Case-Western Reserve University (CWRU), Cleveland, Ohio. The dinner, which will be by invitation only, will be between 6:00 - 7:00 p.m., and approximately 50 people are scheduled to attend, and will be sponsored by Clergy and Laymen Concerned (CALC).

CALC is publicly described as an inter-denominational organization composed of various religious figures who are opposed to United States military involvement in Viet Nam.

Following the dinner, ELLSBERG is scheduled to speak at 8:00 p.m., in the Student Union ballroom of CWRU.

[REDACTED] will attend ELLSBERG's speech but will not be in a position to record his comments commensurate with full security. Coverage will be provided through informants reports and news media.

- ② - Bureau (RM)
 2 - Los Angeles (105-27952) (RM) REC-41
 2 - Cleveland

GJS/jma
 (6)

37-103

10-29
18 OCT-28 1972

65-74060-4030
 SPECIAL AGENT IN CHARGE

Approved: 97 NOV 1 1972
 Special Agent in Charge

Sent _____ M Per _____

F B I

Date: 10/18/72

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL _____
(Priority)

TO : ACTING DIRECTOR, FBI (65-74060)
(Attn: DOMINTEL)

FROM : SAC, BOSTON (65-5236)

SUBJECT: MC LEK
SIO

On 10/18/72, AUSA BACHMAN, Boston, Mass., advised that Harvard Professor SAMUEL D. ~~POP~~POPKIN has been ordered by the U. S. Circuit Court of Appeals to answer three of nine questions that were put to him by a Federal Grand Jury in March, 1972. BACHMAN further stated that POPKIN was given twenty-one days to tell the court whether he will agree to answer the three questions. If he refuses, he will be cited for contempt.

Boston will follow the court action in this matter and advise the Bureau.

REC-41 65 74060-4031

ST-103

10-27
16 OCT 20 1972

2 - Bureau (RM)
2 - Los Angeles (105-27952) (RM)
2 - Boston
KLH:mej
(6)

SPEC. INV. OFFICE

97 NOV 1 1972

Approved: _____

Special Agent in Charge

Sent _____ M Per _____

FBI

Date:

9/20/72

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL _____
(Priority)

TO: ACTING DIRECTOR, FBI (65-74060)

FROM: SAC, WFO (65-11613)

MC LEK
SIO

Enclosed for the Bureau is one copy of summons, with accompanying complaint and two interrogatories, addressed to the Acting Director, issued by the U. S. District Court, District of Columbia, on 9/19/72, in Civil Action File Number 1879-72.

Instant summons and accompanying documents were delivered to WFO and are referred to the Bureau for appropriate handling.

REC-41

65-74060-4032

ST-103

266 50 4 12 44.55
15 OCT 27 1972FBI OFFICE
RECEIVED

- ② - Bureau (Enc. 4)
1 - WFO
CAR:vlf
(3)

97 NOV 1 1972

Approved: _____

Sent _____

M

Per _____

Special Agent in Charge

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

TELETYPE

FTB024 1:27PM 10-18-72 DEB

STATE 624

2:30PM URGENT 10/18/72 JMD

TO ACTING DIRECTOR NR 272-18

FROM LEGAT PARIS (65-807) 1P

MC LEK, SIO

Mr. Tolson _____
Mr. Bates _____
Mr. Bishop _____
Mr. Casper _____
Mr. Callahan _____
Mr. Cleveland _____
Mr. Conrad _____
Mr. DeLoach _____
Mr. Jenkins _____
Mr. Marshall _____
Mr. Miller _____
Mr. Ponder _____
Mr. Soyars _____
Mr. Walters _____
Tele. Room _____
Mr. Kinley _____
Mr. Armstrong _____
Ms. Herwig _____
Mrs. Neenan _____

W. J. [Signature]

RE BUCAB OCTOBER SIXTEEN, LAST.

[REDACTED]

R. J. [Signature]

END

JGM JB

REC-65 65-74060-4033
ST-103

15 OCT 27 1972

J. W. [Signature]

97 NOV 1 1972

3rd cc Mr. Schwartz

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

OCT 19 1972

TELETYPE

Mr. Felt	_____
Mr. Baker	_____
Mr. Bates	_____
Mr. Bishop	_____
Mr. Callahan	_____
Mr. Cleveland	_____
Mr. Conrad	_____
Mr. Dalbey	_____
Mr. Jenkins	_____
Mr. Marshall	_____
Mr. Miller, E.S.	_____
Mr. Ponder	_____
Mr. Soyars	_____
Mr. Walters	_____
Tele. Room	_____
Mr. Kinley	_____
Mr. Armstrong	_____
Ms. Herwig	_____
Mrs. Neenan	_____

U. J. Jones

NR 009 SF CODE

10:17PM NITEL 10/13/72 CRH

TO: ACTING DIRECTOR (65-74060) (ATTN: DID)

FROM: SAN FRANCISCO (65-6076) 1P

MC LEK; SIO.

RE BUREAU AIRTEL TO SAN FRANCISCO, OCTOBER ELEVEN, LAST.

CONTACT WITH OFFICE OF [REDACTED] ATTORNEY FOR

[REDACTED] DETERMINED THAT [REDACTED] PRESENTLY
ILL WITH INFLUENZA AND CURRENTLY NOT AVAILABLE FOR INTERVIEW
WITH [REDACTED] AND BUREAU AGENTS.

[REDACTED] OFFICE ADVISED HE WILL CONTACT FBI UPON
RECOVERY AND SET DATE FOR INTERVIEW OF [REDACTED]

BUREAU WILL BE KEPT ADVISED.

AIR MAIL COPY FORWARDED TO LOS ANGELES.

END

HOLD

97 NOV 1 1972

ST-103

REC-2

65-74060-4034

15 OCT 27 1972

Jan 15

UNITED STATES GOVERNMENT

Memorandum

TO : ACTING DIRECTOR, FBI (65-74060)

FROM : SAC, PHILADELPHIA (65-6346) (P)

SUBJECT: MC LEK
SIO

DATE: 10/12/72

Re Philadelphia airtel dated 9/20/72.

Enclosed herewith for the Bureau are five copies of an LHM captioned, "DANIEL ELLSBERG." Two copies of the LHM are also enclosed for Boston, Los Angeles, and one copy for New York and WFO.

DANIEL ELLSBERG appeared on the JOEL A. SPIVAK talk show, WCAU Radio, on the morning of 9/13/72. The program commenced with an introduction by JOEL A. SPIVAK at 10:11 a.m., and concluded at 11:00 a.m. There were several commercial interruptions.

The tape of the show was made available for listening and transcription at the [REDACTED]

- 2-Bureau (65-74060) (Enc. 5) (RM)
- 2-Boston (65-5236) (Enc. 2) (RM)
- 2-Los Angeles (105-27952) (Enc. 2) (RM)
- 1-New York (65-25641) (Enc. 1) (RM)
- 1-WFO (65-11613) (Enc. 1) (RM)
- 1-Philadelphia (65-6346)

BJT/clp 1cc LHM to 1SD-Martin (info)
(9) 10-17-72 2 LHM destroyed
Just rep

REC-21 ST-102

OCT 13 1972

SPEC. DEL. OFFICE



NOV 2 1972

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

PH/65-6346

[REDACTED] advised that [REDACTED]

[REDACTED] accordingly, arrangements were made for [REDACTED]
[REDACTED] and Stenographer [REDACTED] to listen
to and transcribe the tape.

[REDACTED] the tape of the show will
be preserved for three years from 9/13/72. Thereafter
it will be destroyed [REDACTED] unless some
reason exists for its preservation. He said the tape
will be made available [REDACTED] if a subpoena is issued
requesting same.



UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to
File No.

Philadelphia, Pennsylvania

October 12, 1972

DANIEL ELLSBERG

Daniel Ellsberg, on September 13, 1972, was a guest on the Joel A. Spivak radio talk show, WCAU Radio, City Line Avenue and Monument Road, Cynwyd, Pa.

The following is a transcript of the show. The letters "JS" denote Joel A. Spivak as the speaker and the letters "DE" denote Daniel Ellsberg as the speaker.

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside of your agency, nor duplicated within your agency:

65-74060-4035

ENCLOSURE

JS: Well, here we are again. It's 11 minutes after 10. Uh, I don't think we need to spend a lot of time talking about Daniel Ellsberg except to him. If there's anybody anywhere in our vast listening audience who doesn't know who Mr. Ellsberg is, you've been asleep for a hundred years and so I won't bother to take a lot of time introducing him to you but he's sitting here with me right now and in one minute we're going to find out what's been happening to Mr. Ellsberg since the publication of the Pentagon Papers and also we'll talk a little bit about his new book, which is a series of essays dealing with uh, his involvement, not only in the Vietnam War but uh, his thoughts about how we got in it, why we're in it, what mistakes we made and Mr. Ellsberg, I hope, will tell us a little bit about that, right after this.

(Commercial Break)

JS: Okay, 14 minutes after 10. Mr. Ellsberg is here uh, as part of a tour he's making around the country to talk about his new book. Uh, were you ah, ah, fitted out emotionally to contend psychologically with what you've had to contend with since the publication of the Pentagon Papers?

DE: You mean the notoriety, or the amount of (unintelligible)?

JS: Well, notoriety, tension, agitation, uh, uh, all the other things, the vilification, everything that's happened uh, were you prepared to become ...

DE: Uh, uh ...

JS: ... a martyr, maybe even?

DE: No, I uh, you know, there's, there's, in realistic terms, there's no way to make me into a martyr, uh, you know, at its worst, the risks that I'm facing are, are just, uh, don't compare at all with the, with the risks we've imposed on three million people coming into Vietnam risking their lives and bodies. I volunteered to do that, I've accepted those risks at the time, uh, the uh, risk of prison. That's something a lot of uh, young people in our country have chosen to do rather than to take part in the war because they thought that was their, uh, I don't think they think of themselves as martyrs. They, they did what was the right thing for them to do. That's the way I feel.

JS: Well ...

DE: I mean sympathy is uh, is not uh, uh, I think what I need or I was after, I don't even think it's appropriate ...

JS: Well, I, I don't necessarily think of what I said as a sympathetic statement Mr. Ellsberg, I just wondered, you know, here you are ...

DE: No, uh, uh ...

JS: ... a part of the defense establishment, you know ...

DE: ... I didn't take it as one. Frankly in responding to that I'm uh, I'm well aware of the fact that somebody, to to say that somebody wanted to be a martyr is not to compliment them, especially in our society, maybe uh, maybe there are dif, very different cultures where uh, self-sacrifice of various kinds is the highest kind of value. You and I know that it's not in this society and it's to make someone look rather suspicious, it's uh, virtually the question is motive, to think that he acted out of deep guilt or uh, very emotional reasons or accepted a kind of punishment very easily. I can tell you for good or bad that I have no desire to go to prison, I don't look forward to it uh, and it was not, uh, I had nothing to do with my desire to inform, to share with the American public information that I was privileged to have.

JS: Yeah, I, just, the whole reason why I asked you in the beginning whether you were, you were prepared for the ordeal that you've obviously had to go through was because your whole background, from what I know about you, you know, the, the, the ...

DE: Well, I may be putting myself, for instance, but uh, having, having spent six months on a Navy Troop Ship in the Mediterranean with the Marine Corps, and the Navy doesn't give its best accommodations to Marine Officers (unintelligible).

JS: (Laughs)

DE: Uh, I think of as some preparation for jail, if I, if I have to face that. My experience hasn't totally uh, ill-prepared me, I think.

JS: Why has it not made you a terrible cynic though, I mean here you did, uh, what I'm sure history books will say sometime in the future maybe, probably both of us, after both of us are dead uh, that you did a great service to this country by uh, uh, finally taking that information and making it public so that everybody could see, uh, uh, it, it's just incomprehensible to me that you wouldn't become very cynical about human nature after all this.

DE: But you know, first of all, it's not, it's not human nature in a way, that's put me on trial, it's uh, an executive branch. An executive branch has manipulated the American people as a whole, has been responsible for, in the last 7 years, for 12 million human victims, for most of them, in Vietnam, an incredible figure.

JS: Perhaps we ought to explore a little further.

DE: I knew that when I'd read the Pentagon Papers, I knew the cynicism that the officials exhibited themselves when they, when they misled Congress, when they misled the public, and uh, the contempt they exuded, they were selling for human lives, both American and Indo-Chinese. That was very disillusioning for me. Again you in disillusionment, I had served four of those presidents. I did so, uh, because I felt that was the highest service an American could perform for his country.

JS: Um hum.

DE: Uh, I think the unquestioning way I did that, which is a common way the president is now served, was not the best way I could have served my country and I eventually changed that, but of course, I was to question a lot of my own past life and involvement. That was very disillusioning, but having read that, it could hardly surprise me that the executive that had, had prosecuted this war, uh, he, the new president who is continuing the war, would as I now see it, abuse the judicial system to deter future exposures and revelations and it was hardly a surprise and in answer to your first question, of course I was braced for that type of ...

JS: Well, of course there's some reason to believe Mr. Ellsberg that if the Government's batting average on these kinds of prosecutions is any indication that you will not uh, wind up in prison ...

DE: ... I think they made themselves believe that which raises the question why they're doing this and I think the answer is that, they believe, and with some realism, I think, that to show other people who might be tempted to criticize, to expose, resist, the war, that they can have imposed on them two years of legal defense and six hundred thousand dollars worth of fund raising, which is average for these defenses ...

JS: ... that have some kind of chilling effect ...

DE: ... yeah ...

JS: ... on martyrs ...

DE: ... they don't have to win the case.

JS: Yeah.

DE: They don't have to win it. They can show that just by bringing the prosecution, no matter how flimsy, they can impose those costs, and the flimsyness of their prosecutions is shown by the regularity with which the people are acquitted.

JS: Yeah, yeah, they have a very poor batting average on these things, but, quite aside from that, you know, you mention the Executive Branch and I know you make this point in your book, about how, under four presidents we continue to get uh, uh, deeper and deeper. I say we continue because we still seem to be continuing, uh, uh, to get deeper and deeper into what is commonly referred to by uh, romancists, as the quagmire, in, in Vietnam, and yet, you make a distinction in the book about presidents and how they've reacted to this and I think it's so important for people to hear that, that I just wish, if you don't mind, if it's not too redundant ...

DE: ... And, and I know, I think you're quite right. I've been a little misleading in what I've just been saying in terms of my own understanding of it, as shown in the book. Uh, I think that part of what I call the quagmire myth is the common notion that the president himself is more or less the tool of forces within the Executive, specifically the Military and the Bureaucracy in general.

JS: Um.

DE: That they force his hand and one thing, I, I found that plausible when I was in that system. But uh, as the reader of the Pentagon Papers, I think uh, I concluded what, what one must have to conclude. That the president had much more freedom of action than is usually imagined, at least as far as his own Bureaucracy is concerned. You have to conclude that because time and again, Republican and Democrat, you find the president rejecting the advice of virtually all of his advisors and taking a course that none of them had recommended. The course as it happens, that virtually everyone told him, would be inadequate ...

JS: Uh huh.

DE: ... in the long run ...

JS: Yeah.

DE: ... and would have to be followed by still further measures.

JS: Uh, can I, can I ...

DE: Yeah.

JS: ... clarify one point, when you say inadequate, Mr. Ellsberg ...

DE: Inadequate to win.

JS: To win, that, that's the whole point ...

DE: Well ...

JS: ... that, that escapes people, uh, uh, the, the advice of people telling them how to win the war.

DE: Well you, you, you've just mentioned to me earlier that you've scanned the book but I've a feeling that you, I hope all scanners ...

JS: Well ...

DE: ... get the point as well as you have because it is true, what they were told was uh, that they could stave off defeat in the short run, if you call that optimistic. They were told that by doing what they were doing they could pretty well guarantee that Saigon would not come under Communist-led domination in the next six months or the next, perhaps the next year or so.

JS: Uh huh.

DE: They were not given any assurance that uh, the president wouldn't have to go back to Congress for further measures ...

JS: ...(inaudible)

DE: ... go back to Congress is a little misleading.

JS: Yeah.

DE: Would not have to take further measures which he would then present to Congress as a fait accompli and insist on their backing it up with funds. So uh, you have this fact then, that the president was, was taking actions which he was told, at best, would prolong the war, create, recreate a stalemate which was, at that moment, turning into a defeat otherwise. And uh, we also have the phenomenon that the president never described what he was doing to the president, to the public, that way. He always misled them. He always led them to believe that what he was doing uh, would work, would end the war ...

JS: Uh huh, yeah ...

DE: ... would bring it to a successful end and he uh, told, told them that that was the consensus of the advice he was getting. Uh, we see the same pattern really, under Nixon, but it's very clear and proven in the Pentagon Papers and that, too, has to be explained. Uh, the explanation that I come to in the book which I would say is not proven by the document, it's just the best understanding I can come to of how to explain the facts that are presented there, is that president after president, from Harry Truman on, has acted, uh, basically with the purpose of avoiding the charges that Harry Truman had to face from Richard Nixon and Senator Mc Carthy and many others, that he had lost an area to Communists.

JS: Uh huh.

DE: Lost in that case China to Communism. I think each of these presidents has been determined that he would never have to fact the charge of having lost Indo-China to Communism.

JS: But don't you suppose Mr. Ellsberg, that that, uh, Richard Nixon tried to tell us something about that when he uh, alluded early in his presidency to uh, the fact that he was afraid that if we, I think his word was bugged out, or something ...

DE: Uh huh.

JS: ... uh, that there would be a tremendous resurgence of Mc Carthyism in this country, uh, as the result of uh, of us just giving up against the Communists ...

DE: Uh huh.

JS: ... didn't he try and tell us that?

DE: He did, he did, and uh, I'm, I'm saying in fact that they acted, each of the presidents has acted as if he believed that.

JS: Yeah.

DE: Uh, I'm not close enough, I haven't been close enough to any of those presidents. I'm not sure anyone has been, to know for certain whether they believed that, but they did say it, to close confidants and they acted as they believed it.

JS: Uh, okay. We're gonna stop here, right here for just a few moments. Are you familiar with Dear Abby, Mr. Ellsberg?

DE: Yes.

JS: Oh well, she's about to honor us with her presence here and we'll be right back to chat some more with Daniel Ellsberg right after Dear Abby gets through doing her thing here on WCAU in Philadelphia. And the time now is 10:25.

(Commercial Break)

JS: Well, it's 28 minutes to 11 and now we're going to get back to talking with Mr. Ellsberg about a point he was right in the middle of making about uh, four presidents and their involvement in the war in Vietnam and uh, he was making a very important distinction here which uh, I think a lot of people lose sight of because of the emotionalism involved in, uh, especially in the protest against the war of, painting everybody black or everybody white and I think it's important to hear this from a man like Daniel Ellsberg who has, for all intents and purposes uh, risked any future and, everything else, and could conceivably wind up in prison and yet Mr. Ellsberg makes this distinction. You were talking about uh, uh, the presidents and how they make these decisions to keep us in over there and we'd just gotten to the point where we were discussing the domestic, political considerations of doing something like that and now what are they? I mean, what does the president have to think about uh, when he has to make a decision whether or not we should just get out?

DE: Uh, various presidents have spoken to their confidants in the White House and of their worry of a quote "right wing backlash," if they should, uh, lay themselves open to the charge that they have failed, they have uh, been irresolute in the fact of Communist uh, success, somewhere, that they have allowed a quote "Communist take-over" someplace. Now, that's uh, that's a very unrealistic, unhistorical description at best, of uh, what's going on in Vietnam since what started there 25 years ago was a French attempt to reconquer a former colony, uh, that formerly had been French and had been independent, uh, for 18 months basically, in 45 and 46. We supported this French colonial reconquest intentionally, knowing that that's what it was. Uh, I say knowing because that's what the documents in the Pentagon Papers indicate very clearly. That's what the president was told that's what it was.

JS: Uh.

DE: He chose to back it. I think ultimately at least by 49 and 50 because of the charges that the then president was getting from what constituted the right wing, at that point the right wing of the Republican Party, that uh, he, Harry Truman, had lost China to Communists. I think again, realistically, uh, there was no way that we could have uh, certainly have prevented the Communist victory in China, in the Chinese Civil War.

JS: Mr. Ellsberg, excuse me for interrupting you, I uh, I hate to be this way. I remember something you wrote, I don't know, maybe it was in

this book, maybe it was somewhere else, uh, I have a recollection of your writing that at the time that you thought Truman had lost China. Did you?

DE: No, no, I think that's incorrect. I think that um, I didn't know much about that situation as a matter of fact.

JS: Yeah.

DE: Um, I believe that Henry Kissinger has written some uh, somewhere very critically of our policy on China and on, in Korea ...

JS: Uh huh.

DE: ... for that matter.

JS: Yeah.

DE: Uh, I, I really ask myself what Richard Nixon feels today Harry Truman should have done about MAO-Tse-tung. He's now met MAO-Tse-tung ...

JS: Uh huh.

DE: ... he has seen the Chinese society. I'm sure he doesn't think of it as a, as a perfect society. It's certain, it certainly isn't. Uh, I hope he's not envious of the Chinese control of their media, of their peoples' thinking and free, and speech over there.

JS: I hope he's not either.

DE: Uh because I could imagine that he might be and that's a serious charge and I don't make it lightly but, I, in any case, am sure he finds much to criticize but does he regret now that we didn't use atomic weapons to destroy MAO-Tse-tung and the others and to destroy that regime in favor of CHIANG Kai-shek still on Taiwan? I haven't heard that question raised.

JS: (Inaudible).

DE: Was he right then in, uh, and the others wrong who said that, that was not a civil war, that we either had a right to try to dominate or an ability? In any case, uh, the charges were serious enough at the time that the Democrats of that era were not anxious to face the charge, that they had lost Indo-China as well as China even though that would have been a totally unrealistic charge.

JS: Uh huh.

DE: What it would have meant was that, an independent movement would (unintelligible) want independence basically at the end of World War II and was newly forced into the jungle by the French effort, that that independence movement would happen to be led by Communists, one of the few cases in the world where an independence movement was led by Communists, of, had, had re-won its victory, its independence against the French, but that would have been translated into a victory for Communism, I think, into a loss of the quote "free world," although Indo-China as a French colony could not very realistically be described as free ...

JS: Uh huh.

DE: ... and uh, uh, they didn't need that. That would not have been useful politically and I don't think that any president since has really believed that he could keep the White House for a second term if he lost Saigon ...

JS: Yeah.

DE: ... first.

JS: And yet of all the presidents you've mentioned, uh, Truman, Eisenhower, uh well maybe excepting Eisenhower, uh, uh, Kennedy and Johnson, and now Nixon, and Nixon is probably the man who is least susceptible to charges that he's soft on Communism because of his prior record.

DE: True, and I think we've, we've reaped a benefit from that in his move on China, and even in Russia, I think it's no credit to the Democratic Party that the officials in that party were so afraid for 20 years of what Richard Nixon and others would say of them if they accepted reality and uh, began to deal directly with the Government of China to stop denying its existence or its legitimacy, that they uh, they, they didn't take peace moves. We don't owe them any thanks for uh, keeping that isolation up all this time and by the same token, I think, we can be thankful that Richard Nixon did make that change. What I don't thank him for in the last year, is that he's used the public uh, support and approval that he got for those moves to free his hands to continue the war in Indo-China as he has done ...

JS: Uh huh.

DE: ... in effect then, instead of moves of peace which they could have been and which they looked like, these are moves in China and Russia that have in fact helped prolong the war.

JS: Well, do you, do you think it's, it's uh, unreasonable to suppose that Richard Nixon sitting in the White House alone in the oval office there uh, does not really believe uh, that he is so cynical that he doesn't believe sincerely that if he were to do, to extricate us from Vietnam by pulling everything we've got out of there, that he might not tear up the country domestically?

DE: I think that uh, he believes that it would be risky and presumably, now that we've seen how unideological he could be in China uh, with his enthusiasm for Chairman MAO ...

JS: Uh huh.

DE: ... and uh, and the Russians for that matter, uh, I don't think that he even sees it as an anti-Communist fear in this country so much. It's not what he talks about so much. I think he is sincere in the rhetoric that he uses which emphasizes being number one, not losing.

JS: Yeah.

DE: Winning.

JS: Uh huh.

DE: Being a winner, uh, not being irresolute, being strong, not weak and so forth. He's, he's appealing in other words, to a more abstract fear in this country which he's also helping to promote. The fear of ever suffering a set-back, uh, it's a strange fear, I'm sure, from the perspective of other people in the world, for the citizens of what is obviously the richest and most powerful country in the world, to uh, be concerned with uh, the notion, we, we must present a, a peculiar sight to other nations in the world when we show as much concern as we do about uh, uh losing a few points, or admitting a mistake, uh, admitting even a wrong, or allowing ache in an adversary whose cause in this case I would say is far more legitimate than ours, to uh, to succeed, but nevertheless, those feelings are there and President Nixon is betting on them very heavily.

JS: Yeah, I, I, I think he is. Now as far as Daniel Ellsberg is concerned, uh, from what I know of you, when you first came to uh, uh, to be involved in the Vietnamese conflict as an analyst, I think we should point out here Mr. Ellsberg, wouldn't say this but I would, having read quite a bit about him, that Daniel Ellsberg is generally considered by his peers in the defense establishment, to be one of the leading uh, intellectuals, to have worked for the Defense Department. He certainly was one of the two or three brightest men at the Rand Corporation. Everybody knew that and thought that about him so uh, Mr. Ellsberg, as an analyst,

was not to be taken lightly, and here comes Daniel Ellsberg, uh, to the Pentagon, to be involved with the Vietnamese uh, uh, conflict. At the time that you first became involved with this as an advisor, as an analyst, did you know much about Vietnam? Did you even care much about Vietnam?

DE: That's a very good question, uh, and the answer is no to either, uh, our policy is made on the whole, not only by decision makers who know very little about the subject matter of it, of the area, the many areas that they're forced to deal with, but uh, to a larger extent, with immediate advisors and consultants who know very little about it. Of course Vietnam is an area that not many Americans know much about. Uh, very few scholars in this country speak the language, even today, and uh, we're relatively ignorant. From that point of view, it's surprising to me, that to find that the intelligence analyses available to the president were as good as they are uh, I think everyone who reads those in the Pentagon Papers is quite surprised by them.

JS: Yeah.

DE: But uh, uh, does that answer your question?

JS: Yeah, ex, uh, I, I think I wanted to make a point here about, the fact that when you came to this problem, uh, you had uh, not any real axe to grind here because you really didn't know very much about it, so uh, you did what you were asked to do and you didn't question the motives in the beginning anyway for what the basis for our involvement was there.

DE: Well that's the positive way of putting my role uh, I was thinking a little more negatively when you put the question, which is that uh, really, I think it's true in all these administrations that intelligence and loyalty are uh, regarded as very good substitutes for many other qualities such as knowledge of a particular area and um, uh, I would also say human concern in various forms uh, which isn't widely exhibited, in other words, a lot more trust is put on clever, clever experts who, who are loyal in a sense that they look at problems from the point of view of their boss, almost exclusively or, the boss up to the level of the president, let's say ...

JS: Yeah.

DE: ... and uh, uh, and can be trusted to keep their mouths shut about any little embarrassments, anything that might embarrass the boss, from mistakes or misjudgments or controversial decisions to lies and crimes ...

JS: Yeah.

DE: ... they can be really trusted to keep their mouths shut.

JS: (Inaudible).

DE: I was that trustworthy. I don't look back on that with pride.

JS: Well, uh, that's interesting you should say you don't look back on it with pride because the word loyalty that you used yourself uh, must have gotten you in hot water. Never mind that the Federal Government is trying to put you in jail, but with some of your peers, your colleagues that you worked with, all of them fine men, I know you worked with Leslie Geldon, a lot of other people who I think are your friends, or were, and they must have been ...

DE: Yeah.

JS: ... and they must have been horrified that you in effect, finked.

DE: That's an interesting expression because finks I think are usually thought of as people who inform to the authorities and in a sense that I now fit, I did inform to the authorities, Congress, and the public ...

JS: Yeah.

DE: ... but that's not who my former colleagues generally see as the authorities ...

JS: And Mr. Ellsberg ...

DE: ... that the president as the authority ...

JS: ... I, one thing ...

DE: ... in that sense I informed on partners in crime.

JS: Yeah, I don't want to belabor this point either except that you, when you say that you informed the Congress, you really did try to inform the Congress ...

DE: (Inaudible).

JS: ... the Congress, and, and, here were these people in the Senate Foreign Relations Committee who supposedly were so worried about this problem, especially men like Senator Fulbright, and when you went to them, as I understand it, with uh, this material, they just gave you a funny look.

DE: No, no, that's not true. Senator Fulbright and his staff were very grateful for the information uh, the staff read a great deal of it. Senator Fulbright read some of it. And they hoped to have hearings that would enlighten the public.

JS: They hoped to, oh ...

DE: But I think, they planned to, at several times there were definite plans to do it, but in each time the uh, I think there was a feeling that uh, the public mood had changed in such a way in response to presidential assurances that there would no longer be support even within the Foreign Relations Committee itself, especially the Republican members, for uh, very searching hearings that might criticize the administration, nor would there be support in Congress at large or in the public. Now, I hope they regret that decision, you know, not to go ahead. I don't really know whether they do or not.

JS: Uh huh.

DE: Uh, I regret that they didn't and I regret that, that I waited so long for them to do it before I went ahead myself to inform the public. But, you know, to get back to your earlier question you were raising, it occurs to me that I, I'm often seen or described as having uh, somehow taken a move embarrassing to the Government or against the Government and of course uh, what I did was to take information to the Government, Congress, uh, I think that form of speech that people use uh, reflects an attitude we've gotten into in the last quarter of a century that the president is the Government and uh, nobody else.

JS: You know a, a psychiatrist, ever heard of one by the name of Ziberstein ...

DE: No, I ...

JS: ... ever run across him? Well, he's out in Los Angeles. He has a wonderful theory about uh, the president as the big daddy. He is the father image and uh, people are looking for that, you know, unconsciously and they don't want to do anything that would dishonor their own father. When he speaks he's the head of the family and, and uh, and they're just not gonna go against his wishes and, and uh, that's probably the, the part of the unconscious reason why people ...

DE: Well, inferior attitude is, is a natural one toward political leadership in every country in the world, and you know, in most countries in the world it is central to their political system uh, trust the leader, believe the leader, in fact, it is disloyal to criticize or even to listen to or seek information that might embarrass the leader, uh, who is the father in a various authoritarian sense, does not happen to be very authoritarian cultures and, and uh, Governments.

JS: Yeah.

DE: They can't be called self-Governments any more than a tightly run family can be called a, self-governing from the childrens' point of view.

JS: Yeah.

DE: This country is supposed to be different ...

JS: Supposed to be.

DE: ... and it's uh, it's dismaying to me frankly to find a little, to find how many Americans there are who really equate loyalty with obedience to a particular boss or executive official.

JS: Yeah.

DE: I uh, uh, they have their right to that attitude but I don't really think democracy can function or survive if too many people do have that attitude.

JS: All right, Mr. Ellsberg, hold on please and we'll be back here in just a moment.

(Commercial Break)

JS: Uh, 8 minutes to 11 and we're chatting here with uh, Daniel Ellsberg. Now, I suppose Mr. Ellsberg that the one thing that uh, uh, people are most appalled by, I, I think, both, people who were against this war before the publication of the Pentagon Papers and those who were startled by the revelations contained in them, was the uh, classification of all this material and the fact that uh, so much of it should have been told to us uh, long before uh, all of the flack that took place when you finally did it, and uh, having worked in the defense establishment yourself for quite a long period of time, as a matter of fact, Mr. Ellsberg just told me something I didn't know, that at the beginning of the Nixon administration, uh, he worked

closely with Henry Kissinger, uh, uh, was this, was this something that came as a shock to you uh, had you ever questioned the classification procedure before uh, or was this something that became more clear to you when you realized what a mess we were in?

DE: I uh, think that I had not really questioned it before. The perspective within the Executive Branch is pretty much, that is, if you work for the president which people at that level think of themselves as doing, the attitude is pretty much that of the people I've just described, uh, on the outside, that uh, the president is the Government and that what the president desires, is maybe mistaken or misled, in given case, but that he has more information than anyone else, his judgment is that to be followed. One has very little sense of Congress as participating in the Government, uh, you know, in a rightful way they're sort of troublemakers. I think that the idea of carrying information to Congress uh, which I did in 69, arouses much shock among a lot of my former associates, as if I defected to the Russians ...

JS: Uh huh.

DE: ... uh, and they thought of it in much the same terms. Now, to say, that is to say, that they, they, from day to day really thing of Congress and for that matter the press, and the public, in large part, as the enemy. They act that way.

JS: Who, who's thinking is that?

DE: I'm saying in the Executive Branch.

JS: Uh huh.

DE: Uh, as people to be uh, uh, who don't have a right to information uh, whose job it is to, uh, well, who can be manipulated without feeling embarrassed by that, who can be lied to. Uh, and uh, uh, obviously, you know, not in every respect are they seen as the enemy, but from a practical point of view of concealing information and so forth, yes, and, therefore, uh, I didn't really question. I accepted this system of, uh, secrecy. Sure, secrets had to be kept from the public. They would make waves for the president's policy which ...

JS: Uh huh.

DE: ... you know, is the best to be found, uh, and, that's, I think the way officials still believe. It's the way they always will believe really. Uh, you can't expect a change in that very much with a change

of president or administration. What you can hope for is a much more active challenging of that belief and practice by other branches of the Government, thinking perhaps here the press as the fourth branch of the Government, rather than as an arm of the Executive Branch, which a lot of people in the press do, I imagine, I'm afraid.

JS: Yeah, yeah, okay, uh, unfortunately we've gotten ourselves behind with commercials here and I, I, kind of, uh, I feel badly because I'd like to keep you around here for about four more hours ...

DE: Yeah, I'd like that.

JS: ... and put you in touch with a lot of our listeners who I know want to talk to you, uh, I know you have other pressing commitments uh, we'll be back to talk briefly with Mr. Ellsberg after this.

(Commercial Break)

JS: All right, it's uh, it's 2 minutes to 11, uh, you know, I'm, I'm horrified because there's, it's like a song that you have running around in your head, uh, there was another question that I was absolutely bound and determined to ask you Mr. Ellsberg that I've completely forgotten which makes me uh, a very unhappy ...

DE: Well, I'm, I'm sorry to miss it because let me say I haven't in this tour been moved to compliment an interviewer, uh, not friendly or not, and I've had some very friendly ones because, uh, before, but I want to say that you've managed to ask me a whole set of questions that I haven't heard before and I haven't heard my answers before, which makes it more interesting, so, I really enjoyed this.

JS: Well, that's a very high praise. Well, uh, an hour with Daniel Ellsberg goes all too fast and so it has here, uh, I hope Mr. Ellsberg, if you're ever back this way again, that we could convince you to come in and sit down and talk some more because uh, we've really only scratched the surface here, what you did really is of such monumental importance that I, I think people would like to know more about you. You know, some of your critics have charged uh, even, and not in an unfriendly way, that they know a lot about Daniel Ellsberg the analyst but they know very little about Daniel Ellsberg the person uh, for some reason, uh, do you find ...

DE: (Inaudible) I don't think that's of the highest importance ...

JS: Oh, well maybe, maybe just because of the nature of the deed itself that people would like to know ...

DE: As I leave here I, I, I can say I'm really sorry to miss the opportunity to talk with your listeners because, including the uh, unfriendly critics as well, because I have a feeling they're an unusually well-informed audience ...

JS: I hope so.

DE: ..., of this program.

JS: Well thank you very much Daniel Ellsberg, for being with us. WCAU in Philadelphia.

UNITED STATES GOVERNMENT

Memorandum

TO : ACTING DIRECTOR, FBI (65-74060)

DATE: 10/11/72

FROM : SAC, PHOENIX (65-1117) (P)

SUBJECT: MC LEK
SIO

RePXlet and LHM, 9/21/72 and Buairtel, 9/28/72.

Enclosed for the Bureau are six (6) and for Los Angeles two (2) copies of the revised LHM concerning captioned matter.

On 9/15/72, ANTHONY RUSSO arrived at Phoenix, Arizona. On the evening of 9/15/72, he attended a meeting and spoke and presented a film at a private residence in Phoenix.

On 9/16/72, he attended a rally and spoke at the Phoenix International Raceway, Phoenix, Arizona.

Due to unfavorable conditions, the recording of the speeches of ANTHONY RUSSO were not obtainable.

The following sources were utilized in the LHM:

[REDACTED] no direct quotes of ANTHONY RUSSO could be recalled.

[REDACTED] recalled statements made by RUSSO which have been incorporated in the revised LHM.

- 116
- 2 - Bureau (Encl.-6) (RM)
 - 2 - Los Angeles (Encl.-2) (105-27952) (RM)
 - 2 - Phoenix 1cc encl to 15D-Martin (info)

RLN:lme
(6)

10-17-72 3 encl destroyed
JRF rep

ENCLOSURE

ST-102
REC-21

4 OCT 16 1972

SPECIAL AGENT



NOV 2 1972

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UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to
File No.

Phoenix, Arizona
October 11, 1972

ANTHONY RUSSO

All sources mentioned below have provided reliable information in the past.

[REDACTED]

[REDACTED] he did not advocate violence but asked all present to support further protest activities in the form of such demonstrations. [REDACTED] advised Russo stated that based on his experience in South Vietnam and based on his study of morale factors, he felt that the morale in North Vietnam was higher than in South Vietnam. Russo was in South Vietnam working for the Rand Corporation and commissioned to do a study of morale factors. Russo also stated it appeared to him that all big American corporations were in cahoots with respect to maintaining the present economic status.

[REDACTED] was in attendance at a rally held at the Phoenix International Raceway on September 16, 1972. Anthony Russo, among others, gave a short speech at the rally which was an attempt to gain voter registration in the area and protest the deportation proceedings of John and Yoko Lennon. Russo confined his comments at this rally to participation in voting and support of voter registration.

FBI

Date: 10/20/72

Transmit the following in _____
(Type in plaintext or code)

Via _____
(Priority)

TO: ACTING DIRECTOR, FBI (65-74060)

FROM: SAC, CLEVELAND (65-3521)(P)

RE: MC LEK
SIO

Re Bureau airtel to Cleveland, 10/11/72.

Enclosed for the Bureau are seven (7) copies of an LHM containing a transcript of an interview between Cleveland, Ohio, newsman BOB FRANKEN and DANIEL ELLISBERG. The interview, as previously reported, had been taped and was shown in the Cleveland area on 9/5/72 on Station WJW-TV (CBS), Channel 8, between 9:30 and 10:00 PM on the show "It's Happening Here."

Enclosed for Los Angeles are two (2) copies of the above.

Inasmuch as the previous tape and transcript which was submitted by Cleveland on 9/22/72, was garbled and unintelligible, a second video tape recording was conducted on 10/17/72. This second tape, which is of good quality, will be retained by Cleveland.

The video tape replay was made available by

[REDACTED]

2 - Bureau (Enc. 7) (RM)
2 - Los Angeles (Enc. 2) (RM)
2 - Cleveland
GJS/bmd
(6)

ST-102

REC-21

65-74060-4042

10-27

3 OCT 26 1972

SPEC. INL. OFFICE

60 NOV 3 1972

Approved: _____
Special Agent in Charge

Sent _____ M Per _____



UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to
File No.

Cleveland, Ohio

October 20, 1972

DANIEL ELLSBERG;
ANTHONY JOSEPH RUSSO, JR.

On September 8, 1972, and October 17, 1972,

[REDACTED]
of a television interview between Cleveland newsman BOB FRANKEN and DANIEL ELLSBERG, which was shown on WJW-TV on September 5, 1972 between 9:30 PM and 10:00 PM on the television show "It's Happening Here."

In the following transcript, Mr. FRANKEN's questions and DANIEL ELLSBERG's answers are designated respectively as "Q" and "A":

Q Good evening. I think I should say at the start of tonight's program that this is the last in our series of "It's Happening Here" presentations, and tonight we feature a world-famous guest -- it's Dr. DANIEL ELLSBERG who became world famous through his part in the release of the Pentagon Papers last year. He's here in Cleveland talking about his new book he's written called "Papers on the War." It's some more insight into his reasoning for the release of the Pentagon Papers. Dr. ELLSBERG in your book you describe the Vietnam War first as a problem, then a stalemate, and then a crime, who's crime?

ENCLOSURE

65 7460 4042

A(Unintelligible)...five presidents I would say who have carried on the war really with very little attention to the restraints of international law, of the UN Charter which we ratified or our... of our own Constitution. I think they've been let to believe and led to believe over the last quarter of a century that they are beyond all law. They're really accountable almost to no one in the field of foreign affairs or war and peace either for truthtelling or for what they do.

Q Isn't this true really?

A In practical terms you could say that. Certainly when I worked for the presidents..I worked for four of these five presidents..ah I never worried about facing a court for any action I might be taking part in. I figured the gov...the President would take care of the..of that. I wasn't likely to be charged with anything, and as you say, in practical terms that was right.

Q

As a matter of fact, didn't you say that the presidents were free to conclude that the public must be lied to for some sort of ex-public good?

A

Well free in a sense that Congress and the courts, and the Press have not really lived up I think to their responsibilities under the Constitution to inform the public fully and to probe, to investigate, to question the executive so that the human beings who hold that office find that they're really subject to very little challenge and very little checking. I don't think they're anymore fallible or anymore dishonest than any of us. In a situation like that under enormous pressure and with great responsibility, the temptation to conceal mistakes, conceal past deceptions, to postpone failure by using resources open to them as President is I think certain to be abused.

Q

Ah what concerns me is that you took a very big step in your life about a year and three months ago I believe it was..when you released the Pentagon Papers. This was certainly a drastic step and had a jarring effect on the public, but you get the impression that it didn't really have an effect on the war, or did it?

A Well it didn't effect the President's policy. I think it might have if he had not taken a lot of the pressure off himself by his moves in China and in Russia which were genuinely spectacular and impressive, and the effect was I think to gain him credit, and I wouldn't deny him credit for that, but regrettably, the credit had the effect of taking the pressure off him to either tell the truth about his policy or to change it.

Q Ah-huh. (Phonetic).

A It's very regrettable for the people of Indo-China on whom he's dropped another million tons of bombs since the Pentagon Papers started being published, and I would say morally regrettable for this country as well.

Q And so the point I..I sort of feel that even if.. when the public is informed, it does not seem to respond with the pressure that's necessary to do something about the war.

A We're out of practice. For 25 years really and before that even, starting with the Second World War, members of the public have gotten in the habit of thinking that foreign affairs is not their business, it's something for a commander and chief to worry about, and to take all responsibility for it. They don't press Congress to be more active. Congress in turn is glad to see, it would seem, the President to take all responsibility for these affairs, and not have to worry about participating in losing a war, a war that they can see as well as anyone of us is not about to be won, and as a result of all these people really racing away from responsibility, starting with the citizens, and the Congress and the courts, there is very little pressure on the President to take that responsibility himself to lose the war.

Q I want to interrupt just a moment. We have to interrupt for just a moment, but I want to continue along the line of the people have seemed to have given up their right to know when it comes to foreign affairs, and let's get back to that line of questioning with Dr. DANIEL ELLSBERG in just a moment.

(Time Out)

Q Our guest tonight is Dr. DANIEL ELLSBERG. You know the name of course, he's responsible, primarily responsible for the Pentagon Papers. We were discussing a moment ago the lack of pressure if I can paraphrase what you were saying, the lack of pressure the presidents have felt from the American public to disclose what they're doing in the field of foreign policy, and yet in..in your book you say that there were two precepts concerning Vietnam policies -- one that they abandoned after awhile, that was do not commit American land forces to a land war in Asia, but the other one is do not lose the rest of Vietnam to communist control before the next election. Apparently the Americans at least to that degree were involved in Vietnam. Does it only go as far as the election and as far as the communists? Isn't there anymore concern for foreign policy than that?

A I think the President is..knows what he's doing when he keeps raising certain things about the importance of winning and the importance of being number one. He's not offering them a way to win. I think he hints perhaps that he is from time to time

but he doesn't explicitly come out and say he's winning, but what he does offer is a way of avoiding losing. Now that way happens to involve bombing people at the rate of World War II. For really is I think no other reason than to postpone what the President tells us would be a humiliation. I don't think by the way that it need be seen in those terms at all, but again people tend to accept situations the way the President defines them. He's the great teacher, the great preacher of our country, at any given time, and when he tells them that something would be a humiliating defeat, people tend to accept that, and thus to support him when he says without many American casualties, at a low cost to you the taxpayer and the fathers and sons of this country and mothers and daughters, we can continue to impose our will. He doesn't put it in those terms, but we can keep our men in Saigon in power, and he can. He doesn't tell them what the price is in terms of killing other human beings and he really doesn't talk about that.

Q And you call this specifically a crime - a criminal act?

A It can be seen in many ways. That's not the only way to see it - it's not the only way to condemn it or criticize it, but I think that it is worth reminding ourselves that in principle in this country, no man is above the law.

Q Ah-huh (Phonetic).

A And that there are laws that can strain the use of violence even for the President of the United States. Certainly there are procedures that are supposed to determine who decides and what, who we kill, and when we send Americans over to be killed and to kill. The founders of this country I think were wise when they made provision that Congress, the most representative bodies or parts of the government, would have to decide when we went to war. They.. they did that deliberately to make it hard to go to war.

Q Ah-huh (Phonetic).

A And by letting the President have a pre-eminent role in negotiation, they meant to make it easy to get out of a war.

Q

Ah-huh (Phonetic).

A

But actually by letting presidents now go into wars on their own, and NIXON is not at all the first to do that in Cambodia or Laos as he always points out. Others have done that before him. He takes full responsibility for it, thus he doesn't use his power to negotiate to end it, he uses it on the contrary to prolong it, to postpone any humiliation until at least he's out of office.

Q

Alright well there was a reason why I was trying to pin down the word crime..

A

Ah-huh (Phonetic).

Q

And that is because our society says for every crime there must be a punishment. Now you are certainly familiar with the..with the concept of a trial, your being put on trial for your role in the Pentagon Papers. Do you feel that the presidents who are living and perhaps some of their immediate subordinates should be put on trial ala the Nuremberg trials?

A

No I really don't. I don't think that what we need in this country are more victims for this war - there's been enough. What I do think is that

we should...we deserve the kind of truth-telling that we associate with trials. There are other ways to get that -- a Congressional investigation I think with powers of subpoena, powers of calling witnesses and putting them on oath, compelling documents to come up. I think that would be very well worthwhile, and we'd hear some of those former officials tell us under penalty of perjury for once, tell us under oath, what the truth is about not only the events in the Pentagon Papers, but the events since then, the Cambodian invasion, the Laotian invasion -- tell us what really happened and why we were governed as we were. I think we deserve that, and above all..above all the important thing is we stop doing the crimes.

Q Realistically do you think that Congress now or in the immediate future would be inclined to do such a thing? Let's face it, we've been dragging our country through the mud to a great degree.

A I think that there are many people in Congress well aware that what is dragging us through the mud is our policy of war-making in Vietnam. I walked through

a lot of mud in Vietnam. I've..I've fired bullets at people who were firing bullets at me, and I thought that it was in self-defense, but when I came back from there and really asked myself what was I doing in their front yards, who was trespassing there in that country -- the legal aspect of it, the legitimacy of it came to seem very different to me.

Q Ah-huh. (Phonetic)

A I was defending myself in their neighborhood basically. I really had no right to do that.

Q It must of been a traumatic change in your mind when you all of a sudden realized, and I know you've covered this in conversations you've had before, that what it is that you thought you stood for in the past, you are now unalterably opposed to. It must have been a wrenching change or was it a gradual one?

A Ah (Phonetic)..it was a gradual one although I think what..what made me more aware of it than anything else is really the early aspects of the Pentagon Papers and discovering that a war that I'd assumed had once been legitimate before I became associated with it,

a war that must once have..had been more honest than it appeared when I was part of it, had really never been...

Q Ah-huh. (Phonetic).

A ...honest, that at it's origins it was our financing a war of French colonial reconquest, and that we ourselves realize that..that is our officials realize that's what it was. They didn't tell the public that, but they saw it clearly. It's all in the documents and in the cables, and there's no way for an American to read those cables and see that war as legitimate.

Q It's not an isolated war either is it? Doesn't its roots go back to the China of the 40's, perhaps even the 30's, and the Korean War has a similar root?

A Well the Korean War really came after we involved ourselves thoroughly in Vietnam...

Q Ah-huh. (Phonetic)

A You known in 1950. Our involvement in Vietnam in support of the French started at the beginnings of the war in '45 and '46. Somewhat reluctantly then, but by '49 and '50 once the Democrats were being charged with having "lost China" charged by RICHARD

NIXON who has now found China...

Q

(Mumbling...now found China.)

A

Ah...(Phonetic) since then I think they decided they didn't want to be charged with loosing Indo-China and it became our war. Then the French wanted to get out. TRUMAN, ACHISON, and after him DULLES and EISENHOWER said we've got to keep them in. We've got to keep them fighting. We opposed (Unintelligible)...negotiations from ever taking place. We said keep fighting, but the French at that point after eight years, despite the fact we were paying 80 percent of the costs of the war, were really at the point where they would have to send in draftees...

Q

Ah-huh. (Phonetic).

A

..if they were to continue it. The French public said not for Indo-China. We don't want to send draftees over there. They never did send draftees to Indo-China so they ended the war.

Q

We of course went a step -- much further than that.

A

We're a bigger country. We..our..our government had more trust from its people...

Q

Ah-huh. (Phonetic)

A

..than the French Government did. We gave them, our leaders, much more leeway in the end than the French did. We let them draft people to send over. Even then when it came to the point in 1968 when to carry on with the policy he was pursuing, LYNDON JOHNSON would of had to send immobilized reserves. That was the bottom of the barrel, and like the French years before, he recoiled from that prospect and he himself cut back his strategy.

Q

Some element of convenience here, and I'll explain what I..what I mean when I ask some more questions when we return in just a moment.

(Time Out)

Q

Our guest is Dr. DANIEL ELLSBERG, and as we left we were talking about the bottom of the barrel, where America's commitment to Vietnam stopped as far as the American people are concerned, and you said that it came when we would commit reserve units, National Guard units, into Vietnam, and this raises a serious question in my mind - I've pondered it.

Was one of the reasons that we were supposed to..
we were able to get so entrenched in Vietnam
because the people didn't really care until
it directly effected them?

A This is often been charged of the young people...

Q Ah-huh. (Phonetic)

A ...who earliest protested against the war, and
people forget by the way that those early teachings
that they brought about were before the draft
really hit them in the earliest part of the
bombing in early 1965. I spoke for the Government
in some of those teachings...

Q Ah-huh. (Phonetic)

A ...so I remember them very well. It was before I
went to Vietnam, and ah..(Phonetic) it could be
true obviously with the draft off, there's much
less pressure on the President and yet..and yet I
find I think that people in the colleges..that the
young people still feel very strongly about the
war. If they're quieter than they used to be, I
think that there is a disheartenment there, a
frustration and a feeling of impotence....

Q Do you feel that the....

A

...what they can do.

Q

Do the protests.....

A

Not..not I think really an indifference just because they're no longer so subject to it.

Q

Well you state that the protests in fact did accomplish a limited amount of good.

A

I think they..they made the..the mining of Haiphong come much later than it otherwise would of, but then it finally came. They've kept limits on the..on the bombing. I think the..the fear of protest is basically what's kept us from using nuclear weapons in several of these administrations. That's important, that's not negligible. I hope it will continue to do that. I do believe the bombing will continue if RICHARD NIXON is re-elected and that he and his advisor, KISSINGER, will..will feel a temptation to make it more efficient with nuclear weapons. Only American protests can stop that I think.

Q

Let me ask a political question. You say if RICHARD NIXON is elected, the bombing will continue. Do you feel that the bombing will continue, realistically, some sort of involvement in Vietnam will continue if GEORGE MC GOVERN would be elected?

A
I think not, and I think I feel certain that it would not, and I think that's not so much a matter of personality or party because after all those haven't made much difference in the last 25 years. Both parties have been involved, very different personalities have carried on the war. Even some people who said they would get us out like RICHARD NIXON, but in this case we have a candidate for the first time who said exactly how and when he would end the war. Same tactic worked for the French. PIERRE MONTEZ FRANCE (Phonetic) in '54 said that he would end the war within 30 days or resign. They had peace on the 31st day, the time he took office. I think that a commitment like that, such as GEORGE MC GOVERN has made, his figure is 90 days, 24 hours for the bombing to stop, that a commitment like that means he would share responsibility with all the people who elected him, and we've been talking about the burden of responsibility and how people run from it, and I think GEORGE MC GOVERN is human too, but in a case where he would have a clearcut mandate like that, I believe he would find it possible politically to end the war and I believe he would.

Q I remember..I remember MONTEZ FRANCE (Phonetic) when he totally withdrew his forces from Vietnam on the 31st day. There was a wild celebration in France. I remember watching the Movietone News..this..this happy celebration. President NIXON...

A Their prisoners came back by the way very quickly at that time, and I think that's the only way that our prisoners will come back. I think our prisoners will remain in North Vietnam so long as President NIXON is in office because I think the bombing will go on that long.

Q President NIXON in a recent interview used the rationale that..ah..ah (Phonetic) one of the reasons that you could not use the MC GOVERN approach is that there would become a very reactionary..reaction..I can't think of a better term, from the..the right wing in this country, that we have a terrible split as the militia groups, this type of thing, sort of took up arms against the country. Do you believe that would happen?

A
Of course he keeps threatening us about a right wing represented by Governor REAGAN and Governor WALLACE. Ah..(Phonetic) while his own administration holds the cabinet posts, and the powers of presidency; I'm much more afraid of the attacks on civil liberties that his own administration has made and is capable of making than I am about out-of-office governors or even like people like Senator JOE MC CARTHY in the Senate, but the fact is of course he knows that movement very well, he was once part of it. He remembers what he would be saying if he were out of office now and somebody else could be charged with being weak on the communists, that he's been visiting in China or in Russia. In fact it's interesting to think what RICHARD NIXON would have said if like some other president who made the visits that he's made.

Q Ah-huh. (Phonetic)

A Now I'm glad he's made those visits, but I think there is no place for any American to say that for the health of politics in this country, that he has a right to kill Indo-Chinese and to prolong a war that they don't want.

Q

And yet for reasons you've explained, some Americans do say just that.

A

They do..not only Republicans.

Q

Ah-huh. (Phonetic)

A

I think Democrats have acted on that kind of fear, and it is not at all to their credit.

Q

Alright, let me ask, you use the word fear.

Ah..(Phonetic) if I were to ask you, do you feel that an American has something to fear from his country, his government, I would suppose the answer would be yes because you are being prosecuted for a moral decision you made, but if there is something to fear from the government, could you call this a free government, a free society or do we live in a dictatorship?

A

I think that's a very important question for Americans to ask themselves now. I would say obviously it is not a dictatorship now, and at the same time I would say that there are trends not only from the executive, but in attitudes of the public of acceptance ah..(Phonetic) of some of these trends that are very ominous. It took us 200 years

before a president tried to do what the First Amendment was..was enacted really to prevent enjoining newspapers from printing embarrassing, damaging information about an administration -- past administrations. This was the first to do that. It's not the first to carry on a war, but it is the first to take an action like that. My prosecution is the first of its kind. I didn't invent leaking, but the ah.. (Phonetic) Justice Department this time..ah..(Phonetic) invented the prosecution of leaks as far as we're concerned. The acceptance of the idea that obedience to the President is the only test of a citizen's loyalty, and I'm sorry to say I've encountered that attitude a good deal not just from the Justice Department. That to me spells not a dictatorship necessarily, but an approach much like the monarchy that we abandoned 200 years ago. I think we could well ask ourselves that if RICHARD NIXON is re-elected, especially, maybe even if he isn't, could the revolution, the American revolution, have been betrayed by 1976, we might have it to all over again.

Q Are you campaigning for GEORGE MC GOVERN do you feel?

A I'm certainly campaigning to get the facts of this war out.

Q Ah-huh. (Phonetic)

A I think that'll help the man who has promised to end it, that when people look frankly at what it is we're doing, the fact..the rate of the bombing at the rate of World War II, ah..(Phonetic)..it..it can't help I think the..the incumbent. The..I think it's really a very bad sign of our public discuss..(Phonetic)..the way we're using our freedom and we do have the freedom of..of discussion in this country. It's a bad sign of how we're using it to inform ourselves that RICHARD NIXON can be seen as a peace president or a peace candidate as he is campaigning. He's ah..G....(Unintelligible name)... called him ah..(Phonetic) at the time of the Laosian invasion one of our better war presidents. Well now here's something you can debate reasonably I think. Is he one of our better war presidents or one of our worst war presidents? I think that's ah..(Phonetic) something you can disagree on.

Q Ah-huh. (Phonetic)

A

...but that he's a war president, you can't really disagree on I think.

Q

And yet he's running as a peace president.

A

Ah...(Phonetic)....I think the difference between these two candidates is the difference very simply between war and peace in Indo-China.

Q

I want to get back to the discussion we were having about a dictatorship because there's one element that we haven't discussed yet and that is the economic element of our society and many people charge that we live, in fact, in an economic dictatorship, that a small collection of very rich people and I suppose that's an oversimplification, really dictates such things as whether or not we'll get out of a war until it serves their interests. Do you feel that your treatment was somehow dictated by some sort of economic power?

A

I don't actually..ah (Phonetic) We spoke earlier, and as I tried to say in my book, I tried for a long time to try to understand the war and I'm still trying, and there are lots of things I don't understand. From the documents in the Pentagon Papers one learns very little about economic pressures on our policies, and that doesn't mean they're not there because you don't learn much about political

pressures either, and they are there. I know that from working in the Pentagon. You just don't write them down, so I think I have a lot more to learn about the way economics comes in. I think the revelations of ITT attitudes toward Chile, for example, their attempt to put pressure on this administration, and ah..(Phonetic) other data like that ah..(Phonetic) point toward a good deal of economic will in these matters but I don't know enough about it yet.

Q Let me depart because we're running out of time, and I wanted to ask you this. Ah..(Phonetic) you took, as we said earlier, a very big step, obviously a big step, it's haunting you today. Um..(Phonetic)..do you feel, alright let me put it this way, what example would you like to leave to somebody else who might be looking at you by what you did?

A I think that we haven't asked enough of public officials. They haven't set high enough standards for themselves in office in a certain sense in terms of their loyalties to the people as a whole, to Congress, to the public, to the Press, as well as to the man who hired them or their immediate boss,

and I think we should ask of all public officials really and yet in terms of the paper that passes through their hands and the decisions that they make, they have no right to sign away their rights of free speech or their consciences or their responsibilities and just hand them over to a boss and say they have no responsibility for what happened.

Q And if you stood up for resistance, and you spoke--you speak glowingly of resistance, but I'm left with the impression that you don't mean indiscriminate resistance?

A Ah..(Phonetic) on the contrary, I think that you know I think people go into government very often ah..(Phonetic) not just to make a living, but for idealistic reasons and to serve their country. I don't think they're doing that job as they should if as I say they don't act responsibly, but what I'm really acting..asking in fact is that..that they look at the consequences of what they're doing, act as responsible, conscientious Americans, and not as some robots that belong to a boss who may have brought them in. Ah..(Phonetic) the people who have

released information, for example on General LAVELLE's action to CY HEARSCH (Phonetic) on the weather modification plans, that is the rain-making in North Vietnam or the information on the Peers (Phonetic) report about Mai-Lai, the information to JACK ANDERSON. I think each one of those is a very responsible act. It informed the public. It can't conceivably, I think be regarded as having hurt this country to know that information -- painful as it is. I think they served their country well when they did that. On the other hand, people who are keeping information secret of this..of the kind of the Pentagon Papers...I think some of them ought to re-examine their responsibilities.

A And we're out of time. Our guest today has been Dr. DANIEL ELLSBERG, and I'm holding his book, it's called "Papers On the War." He of course is responsible for the Pentagon Papers, and he's ah..(Phonetic) in this book describes him, the thought processes, and studies that went into his..his changing of decisions. That's a

terrible oversimplification, but that's what happens when your under the pressure of time. At any rate, Dr. ELLSBERG thank you very much for being with us.

A Thank you.

Q Thank you very much for being with us over the air when we've spent time discussing the various problems of our community and the world at large on "It's Happening Here."

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TO: ACTING DIRECTOR, FBI (65-74060)

FROM: SAC, SAN ANTONIO (65-1828) (RUC)

SUBJECT: MC LEK
SIO

OO: LOS ANGELES

Re San Antonio teletype to the Bureau dated 10/4/72.

Enclosed for the Bureau are seven copies and for Los Angeles two copies of an LHM depicting contents of a given speech by DANIEL ELLSBERG at Trinity University, San Antonio, Texas, 10/5/72.

reproduced recording of an original tape obtained [redacted] during the ELLSBERG speech.

The reproduced recording is being maintained by San Antonio as possible evidence.

ST-102

REC-21

ENCLOSURE

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UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

San Antonio, Texas

October 13, 1972

In Reply, Please Refer to
File No.

DANIEL ELLSBERG

[REDACTED] (10/5/72)

Daniel Ellsberg spoke at Trinity University, San Antonio, Texas, October 5, 1972. The context of his speech was as follows:

"There's a lot to talk about. We don't have a lot of time. Not just because I'm leaving tonight before very long to go on to Houston, but because I have the feeling that with the Supreme Court back from vacation my trial may begin again very shortly. I might hear tomorrow about it, and there really is a lot that I'd like to discuss with you and I wish we had more time to do it.

"I've spent a lot of time answering questions the last year. One of the questions is, of course, 'What do the Pentagon Papers really say?' And I've tried to answer that really most of the year.

"Could we have the house lights up. As a matter of fact I like to feel. I don't like to be in isolation here. Anybody on the house lights? Anybody minding the store out there? Can you get the lights up? Incidentally while we're waiting, maybe not, there's been a blackout. Let me ask right now can you hear me? Gee, you're right in the front. You've got a problem there. How about in back, can you hear me? Okay? There's enough room here and let me know, don't let it go by if you can't hear me. I'm sorry my voice (inaudible).

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ENCLOSURE

DANIEL ELLSBERG

"When I'm asked this question, 'What do the Pentagon Papers really say?' I've spent most of the year saying don't ask me, read them. After all I was working on them as an expert, I helped write them. I was the only person really in 1959 who had access to them. (Inaudible) research for the government I'm learning lessons, but the conclusion I had come to was that the lessons weren't just for the government, especially not just for the Executive Branch, the only part to have access to them. They were really for everybody. They concerned matters of life and death. There were issues on which the people could judge, in fact, had to judge, if they were going to be responsible for (inaudible) choosing our leaders if this is going to remain a democracy. So I really told people don't ask me, don't ask for expert opinion on those papers any more, read them, judge for yourself and see what they say.

"Well, my wife has been telling me really all year, 'Face it, they're not being read. Nobody reads them.' I didn't read the Bantam book myself. I haven't read it through. I felt I read the Pentagon Papers, but my wife did and she said it is very boring and it's a summary of a summary. It's just too dense and people don't read it. You really ought to start talking about what is in them. It's late in the game now. I think that this fall we're facing the time when that information is most needed. I don't think there has ever been a time in many years when people had as clear-cut a chance as citizens to end the war. They won't do it, I think, without the kind of information that is in the Pentagon Papers and I have to say that most people don't have that information. They haven't read them. So, if the polls are right, they're going to miss that chance, and it's, I think, the last one for quite a long time to end the war.

DANIEL ELLSBERG

"Let me ask you again, I get an echo back here and it gives me the feeling you're, it must be hard to hear. Can you really hear all right or is it too loud? Too loud? Okay, okay. Coming back at me.

"So I am going to spend some time talking about what I learned from some of those Pentagon Papers or what there is there to be learned. Let me ask right now if I can, 'How many people here have actually held in your hands or read any significant part of one of the four volumes of the Cravell (phonetic) edition, the decompressed edition of the Pentagon Papers?'

"Was that a yes? I couldn't make it out. One person did I see? Would you stand up? Who was that? I did see a hand over there. Right. Where did you get it? I think we should have a hand for this man. Where did you buy it or see it? Oregon, all right. Well, I hope you don't have to go that far. If your bookstore doesn't have it, I wish it would get it. There is a fifth volume, by the way, now of Analyses, edited by Nome Trumpskey (phonetic) and Howard Sim (phonetic), the first set of Analyses of the Pentagon Papers, I hope you would get, and I'll give you a couple of other fast references to easy routes to the Pentagon Papers. There is a, has the Indochina Peace Campaign been active on this campus at all or appeared here? Anybody, any hands? They have a small version of quotes from the Pentagon Papers, very easy to digest, and the American Friends Service Committee is about to put out a 136-page version, very easy quotes, called 'Credibility Gap' for some reason and that will be out this month and I hope your bookstore will get it.

"The Bantam book, how many of you have looked at part of this or read a considerable amount? Is it assigned in any course or any part of it? Well, that's too bad, but as I said

DANIEL ELLSBERG

"this is something I've had to face this much. My book, incidentally, has some quotes from the Pentagon Papers. That's what held up my writing it a bit, putting it out. So it is an analytical introduction really to the Pentagon Papers, for what that's worth.

"Really what I'm going to talk about tonight is not mainly in limited time here what I learned from the Pentagon Papers but what I didn't have to read the Pentagon Papers to learn, the part dealing with the period that I, myself, was in the Defense Department, 64-65, just before I went over to Vietnam for the State Department, 65-67. It was just three years ago tonight and last night and tomorrow night that I was up all night, every night Xeroxing the Pentagon Papers to give them to the Senate Foreign Relations Committee. That was three years ago. The result is, let's say that within a week or so I may be back on trial for a set of charges that were rather imaginative. It turned out that there was no law that I had broken in terms of any previous interpretation of law. I wasn't clear on that as a layman while I was doing the Xeroxing, but in the years hence, the last year while I have been on trial essentially in the pretrial period we've really discovered that the classification statutes on which the which were clearly broken here, the classification regulations, pardon me, were not based on a statute so they had to reinterpret the existing laws in such a way as to make what I had done and what I had admitted doing illegal so that I could be sent to prison as a deterrent to other people to do it.

"The first of those charges, which is the most imaginative one in a way, is Conspiracy to Defraud the Government of Its Lawful Function of Controlling Information. It had never been used before to control information in this way, but it

DANIEL ELLSBERG

"is rather ironic because it's a charge I would not be facing, I guess, if five years before I started Xeroxing the Pentagon Papers back in 1964 if I had not been spending nights in those days participating in a real conspiracy and one in which a lot of fraud was conducted, really 7,000 pages of fraud of the Pentagon Papers revealed covering a 25-year period. So there are real conspiracies. This particular one was carried out, a conspiracy as I now understand it, though I didn't see it at the time, to commit aggressive war against Vietnam. One that was carried out and really still is being carried out. I mention that not to encourage really prostitution of other individuals to join me in the dock but to make the point that there are laws, there are international laws that have been broken in our involvement. I certainly was not very conscious of them when I was in the Executive Branch. We didn't think about that. We had a General Council in the Defense Department, but above all we worked for the President. We figured the laws didn't apply to us, and they didn't for practical purposes. If you worked for the President or if you are the President you are beyond the law. That may not be the theory in the Constitution but in practice that's the way Presidents think and they're allowed to think that way by the courts and by the press and by the people and they act that way. In any case, really the first night that I spent working on Vietnam problems after virtually a decade of working on defense problems, somewhat less than, no six years really, plus three years in the Marine Corps, of working on defense problems as a consultant for the government or as a member of the Rams (phonetic) Corporation or as an official. I really started to work on Vietnam as Special Assistant to the Assistant Secretary of Defense, a lawyer named John McNawton from the Harvard Law School, who is now dead.

"This job meant working on Vietnam for McNamara about 70 percent of the time and he told me when I came to work for him that my job would be to work for him on Vietnam 100 percent of the time. That turned out to be 70 hours a week essentially, many

DANIEL ELLSBERG

"nights, every day, seven days a week and it kept me pretty involved in the course of a year, starting from scratch. But the first night is still very easy for me to remember and turned out to be of considerable significance, more than I knew at the time. It was the night of the alleged second raid on our destroyer patrol in the Gulf of Tonkin and we spent the night really watching the reports of our so-called reprisal attack on targets in North Vietnam, our first overt bombing mission against North Vietnam, the night of August 4, 1964. As I said, I started cold at that point on Vietnam so I didn't know a lot that led up to that. I did in the fleeting months. I got to know things that had happened before that time and I learned a lot more when I finally did read the Pentagon Papers for Secretary McNamara years later in 67. The story is told pretty well in this Rantan book, much better in the Volume 3 of the Cravell (phonetic) edition. There's still a lot that isn't told there but I'll stick to what you can document, you can pick up in documents.

"The afternoon of that day was spent watching cables come in from these destroyers in the Tonkin Gulf. By the way, it's a fairly young audience, I noticed, how many people can actually remember that night, for instance, saw the President on television at midnight on August 4, 1964? Well, maybe it is a night one remembers. I remember Pearl Harbor Day, for instance, when I was 10. Anyway, we watched these cables come in and there were some that corresponded with what the public was told at the time, two torpedoes in the water. It was 12 hours difference in the Tonkin Gulf so it was very black night as these destroyers were maneuvering at high speed in the Tonkin Gulf that night on what was called a (inaudible) patrol. They reported that they were under attack, all this from radar, they couldn't see anything in the darkness. They reported torpedo wakes on their

DANIEL ELLSBERG

"radar, two wakes, two torpedoes, five torpedoes, nine torpedoes, got up to about 22. We were getting these minute-by-minute cables, very dramatic, just like the movies, and you got the impression finally there were other (inaudible). It was just (inaudible) with torpedoes, like eels or fish, and suddenly a cable came that the public was not told about at that time from Commander Sherrick (phonetic), head of the patrol, saying in effect hold everything. Most of these torpedo reports seemed to be the result of an 'over-eager' sonar man, try that, say that, over-eager sonar man, reporting wake radar records off our own wake as we're maneuvering and they kept bouncing back at the wake. And he said we are sure, we feel sure there was at least one torpedo, he said, the first one, but after that (inaudible) he sent back other cables saying suggest, an order had already gone out now to conduct reprisal raids against North Vietnam when this cable came in, he said suggest, but not immediately, it was to be done at first light. Suggest you hold everything. Do not take any action, any irrevocable action, until we have time to conduct an investigation in daylight, meaning look for wreckage. They thought they had hit some torpedo boats which they thought they had seen on their radar so there should be some wreckage or oil slicks and the helicopters or planes from the nearby carriers can search the area and look for torpedo boats in general. But the order, as I said, had already gone out. The President, I remember very well, this comes back to me, one problem was a great confusion that went on almost throughout the night as to what the time zone was in that area. That led, by the way, to a very 'embarrassing' problem. The President was determined to get on the television and to announce our reprisal in prime time or at least before everyone is asleep, so 11:00 or 12:00 was the latest, but at the same time he didn't want them to hear about it for the first time the next morning. On the other hand

DANIEL ELLSBERG

"the carriers were having a lot of trouble getting into position. He wanted to be sure that the planes were over the target he hoped by the time the announcement was made. In the end because of delays in the carriers' getting off, and I remember this, as I say minute by minute, and everybody looking at clocks. At the end it was clear they were not going to be over the target so he was going to settle for their at least being off the carrier and at least on their way and so forth. It turned out actually in the end that because of this confusion in time zone they weren't off carrier entirely by the time he made the announcement and that led to a little controversy the next day about his announcing it to the other side on television that they were coming but in any case the raids were carried out. The immediate aftermath, and they did not wait for the investigation, but what happens, by the way, that Anthony Austin (phonetic), it was clear to me at the time that people around me, including Secretary McNamara, whom I didn't see but I kept getting reports from McNawton, believed there probably was an attack. They were very clear that there was not clear evidence of the attack as they told the American people. They were very clear that it was nothing you could really prove, it was in the darkness, they really had no good sightings and as a matter of fact I was sort of snapping in on this job. My predecessor, a Special Assistant to McNawton, was separated from that job very abruptly and sworn in as Deputy Assistant Secretary and sent out to the Far East precisely to gather evidence that would shore up our position that there had been an attack, which is how I got sworn in a little bit earlier than has been planned after this.

"It was very clear that it was a very ambiguous situation but in which there probably one thought had been in an attack. It really wasn't until quite recently that an investigative reporter named Tony Austin of the New York Times by interviews, by

DANIEL ELLSBERG

"getting new documents, that he really did what I thought couldn't be done and that was resolve this uncertainty years later. I told him when he set out, I said you're not going to settle this one. I had seen all the classified reports, all the Navy reports, they're all left with an irreducible uncertainty as to whether there really was an attack but I think there probably was. He proved there wasn't. He changed my mind. I really did not think he was going to do that and I won't go through that whole story but I'll refer you to his book The President's War, which gives in great detail, although he can't tell all of his evidence, but I was aware of what his evidence was. It convinced me finally after all what McNamara to this day probably doesn't know and surely has not read Austin's book that, in fact, there was no attack. Johnson came to suspect that earlier, by the way, and he used to berate to the Navy about it and he used to kid them, that there really hadn't been an attack. It so happens, by the way, that in September, exactly the same slew of reports came in from this destroyer patrol, the same drama, the same torpedoes, the same kind of messages, the same sightings, and so forth. This time they held up, this was two months later, almost two months later. They held up, they did do the investigation, they made it clear there was no attack and they didn't do anything. In fact, they never really told the public about it. In any case, what had happened, what was being told to the Senate, was something different. The first was, of course, the certainty that there had been an attack. Second, there had been an unprovoked attack which called for the Senate to pass extremely promptly the Tonkin Gulf Resolution. Senator Morris (phonetic) had gotten information from a Navy Captain, he said, he never revealed his source, which told him something odd, that it had not been an unprovoked attack but that, in fact, there had been a covert raid by South Vietnamese patrol boats, torpedo boats, on the

DANIEL ELLSBERG

"coast of North Vietnam the night before this alleged attack and also the night before an actual attack on our destroyers had taken place in daylight two days earlier on August 2. That before both of these incidents and in particular before the one that certainly did occur there had been clear provocation and that the North Vietnamese had reason to believe that the destroyers were connected with the patrol boats.

"This is all in secret hearings in executive session before the Senate Foreign Relations Committee so I didn't know at the time, working for McNamara, what Secretary McNamara, my boss, was actually saying to the Senate about this. The result, of course, incidentally Morris to get these hearings had had to make a threat which was never to be repeated in the history of the Vietnam war. He threatened to filibuster. They wanted the vote to be passed without any discussion whatever. Morris said if we don't have a day of hearings before we pass what the Defense Department was to regard as a functional equivalent of a declaration of war so that they never again asked Congress to participate in any decision relating to the expansion of the war. He thought there ought to be one day of discussion in the Senate and to get it he had to threaten to filibuster, so he got his hearing. No one since, incidentally, no (inaudible) Senator has ever threatened or carried out a filibuster related to Vietnam. No dove in the Senate has done what every southern Senator has done for generations, as a matter of reflex, to resist civil rights, in fact, which does put a limit to the resistance, let's say, of Congress to this war and does show the extent to which they have been partners, whether or not they fulfill their Constitutional function to declare war and carry on the war. On the other hand, when they passed this resolution the question really does arise was there by any chance a fraud or even a

DANIEL ELLSBERG

"conspiracy to commit fraud, meaning a concerted, deliberate effort by a number of people to do what they knew was un-Constitutional or illegal. I couldn't have answered that at the time, not knowing what the Senate had really been told, but when I read the Pentagon Papers as part of the study later on I found that Morris, in fact, had raised these questions very closely. Mr. McNamara had replied, 'I (inaudible) played absolutely no part in, was not associated with, was not aware of any South Vietnamese actions if there were any. The Maddox (inaudible) the destroyer Maddox operating in international waters was carrying out a routine patrol of the type we carry out all over the world at all times. There was no connection between this patrol and any action by South Vietnam. Now, I would have been a little uneasy about that statement if I'd seen that testimony at the time because on the basis of one day's involvement in the thing I knew that each word of it was untrue. Of course, I've really gotten into the Defense Department because I admired Mr. McNamara, whom I worked with a good deal since 1961. I think there was no other official that I respected more. I think I would have given in to the benefit of the doubt at that time, not knowing what it was all leading to certainly, and feeling he must know what he is doing and he must have some good reason for lying to the Senate like that. And, of course, these are covert actions and that's what makes them covert, you lie to conceal. Still I think I would have been uneasy before classified executive sessions. Is it really right for a man whose appointment has been confirmed by the Senate to use that job to lie to them on the issue of war and peace even when he is doing it for his boss, the President? I hope I would have had that reaction. At any rate, I wasn't tested because at that moment because I didn't read about it.

DANIEL ELLSBERG

"When I say that it was entirely untrue the cables that are in the Pentagon Papers and are available now and I refer you to, show very well the Navy was very well aware of these so-called South Vietnamese actions that had taken place, even the destroyer was aware of them. The (inaudible) fleet in Hawaii had suggested, in fact, that destroyers be used to distract North Vietnamese reaction from the South Vietnamese so-called South Vietnamese actions which were known as 34-A actions, the number of the covert plan by (inaudible) to cover such actions. And one other thing, they weren't South Vietnamese actions. They were American actions. The actions which in fact provoked the first attack on our destroyer and if there was a second attack, which is now rather academic, since there wasn't, would have provoked the second attack. (Inaudible) patrol boats bought from Norway by CIA with crews recruited by CIA from Thailand, Chinese Nationalists, some Vietnamese, Burmese, various types, trained by the Navy. Each detail of the operation was controlled by McPhee (phonetic) in Saigon and by the Joint Chiefs of Staff. I mention that in particular because as recently as 1971 I would say until the Pentagon Papers came out, even after the second set of hearings on these actions, they were invariably described by everyone as South Vietnamese actions. The difference is not academic, in a way, it's academic now with so much that has happened, but in a way it's a prototype, it's a microcosm of everything that's happened in Vietnam. When we look on our television now and we look at South Vietnamese allies, when we're looking at Tu (phonetic) do we see as we should an American employee, not a totally obedient, controllable employee any more than Westmoreland or Abrams or Henry Cabot Lodge was totally controllable, whether he was in the U.N. or whether he was in Saigon, where I worked for him. He has his own bargaining position. He has his own degree of independence. He can be fired as easily as Henry Cabot Lodge could have been fired.

DANIEL ELLSBERG

"When we look at (inaudible) do we see an ally that we're committed to supporting, being bombed, challenging us to continue our support. I think we do, by the way. That's the way we see it described on by our President and also by the media. Anyone who has been in Vietnam, I would say, and certainly anyone who has read the Pentagon Papers should be able to see it slightly differently. For good or bad you are seeing Asian-American soldiers, mercenaries, serving American policy. And as in Quan Tri (phonetic) when they retreat throwing off their American Army helmets and their American boots in a fit really of shame and despair in having lived their lives as mercenaries fighting against the independence of their country. At any rate that's the way I think one does perceive it when one has read these papers. I put it to you. Don't take my word for it. The papers are there, form your own opinion. But it does make a difference as you'll see. In any case there was no question whatever about the 34-A operations, those were our operations. And the Senate was deceived about them.

"Next Secretary McNamara, Secretary Rusk, was invited to testify on this. (Inaudible) asked him 'I take it we didn't know about these boats that were used for attacks on North Vietnamese targets and we acquiesced in that policy.' The public, remember, at this time was told nothing of these attacks. This is secret testimony. We acquiesced, is that correct? 'In the larger sense that is so,' said Rusk, 'but as far as any particular detail is concerned we don't from Washington follow that in any great detail.' Now that particular piece of information was then not unimportant. It conveyed the rather significant message these are our allies' actions legitimate in the sense that they are involved in a civil war of a sort or defending themselves against aggression, so forth. We can't

DANIEL ELLSBERG

"stop them. We may know about it, etc., but it's not us happening. It has nothing to do with the attacks on our ships in waters. Again I would have been a little surprised certainly and perhaps disturbed to hear that discussion in the kind of detail we followed them in. Here were the plans that I as a GS-18, which is the equivalent to a Lieutenant General in rank, the highest Civilian Service grade, which is what I was. Here was one of my more menial jobs, I was to carry around the plan for a plan 34-A each month to be initialled by Secretary Rusk's Deputy, the Under-Secretary of State, and by the Under-Secretary of Defense, and by McGeorge Grundy for the President. In each case the person would sit there, read, read it all, have it explained to him by me or more by a JCS representative, Frank Sheets (phonetic), who had helped design the plan, and then okayed by each department for the President before any raid was carried out. And here was the way in which those raids were described. This is one that I carried around. One to thirty, September, this is in the Bantam book. Maritime operations. Demolition of route one bridge by infiltrated team accompanied by fire support teams. Place short delay charges against stands and caissons. Place anti-personnel mines on road approaches. This bridge previously hit but now repaired.

"By the way, how many people, are there any vets here from Vietnam? None? Just one? Anybody whose been around Vietnam very much will recognize, I think, or certainly should (inaudible) that the placing of anti-personnel charges is not something that gets into regimental plans or division plans. We're sort of talking about squad level and platoon level, discussions here. One to thirty, September, bombard Cape Muidau (phonetic) observation post with 81 millimeter mortars and 40 millimeter guns from 2 PTF's.

DANIEL ELLSBERG

"One to thirty, September, demolish another bridge, etc., etc., bombard Hanu (phonetic) Island. This goes on. K, bombard, let's see, bombard Cape Muiran (phonetic) in conjunction with capture mission that was to kidnap some Vietnamese fishermen to bring them back for interrogation.

"Well, this might seem like rather small stuff for the Under-Secretary of State to be spending his afternoons worrying about, placing 81 millimeter mortar rounds and kidnaping a few Vietnamese fishermen. It was the only war we had then and it wasn't really until that spring, the next spring, that the same people got into to the heady, more heady job of picking bombing targets in North Vietnam at the Tuesday luncheons at the White House. And the reason that a GS-18 was carrying around this stuff was again that it was covert, it was the kind of stuff that Secretaries had to lie to the Senate about and so it had to be kept fairly high up in channels. I knew about that. I didn't know what Rusk, how Rusk, was describing this lack of detail to the Senate at that time.

"How did we get into the bombing and why, what was that all about? Or what was this all leading up to? I must say that I don't think the (inaudible) patrols, which by the way were not routine patrols, they were intelligence patrols for the purpose of provoking radar action, radars to be turned on by making fast raids in and out of the coastal waters of Vietnam. It is done all over the world so in that sense it was routine, but the Senators probably didn't realize just how routine all that way. I don't think that was for the purpose of provoking this reaction but the desire and the plans to bomb North Vietnam had been there for a long time, since the spring of 64, before I came around, and that's why we were able to act so fast and why we were so fast off

DANIEL ELLSBERG

"the trigger in the middle of the night when we knew the information was as bad as it was. Also, the moment it had happened, when the Navy discovered that it was possible to get the North Vietnamese to attack a U. S. Naval vessel and to get this kind of support out of Congress even during an election campaign, they then came up with just lots of ideas. We got a very long top secret memo, which is described in the Pentagon Papers, by the Joint Chiefs of provocation plans. We were already sending new (inaudible) over, of course, North Vietnam so send them over lower, you know, 60,000 feet is too high to get a reaction, as it was. Would you believe 30,000? How about 10,000? And they really got down to jets causing sonic booms over Hanoi. As you know, if that won't get a rise out of some (inaudible) to which we can respond then they may have some other ideas and if that didn't work, well, that's the military. They're always making proposals like that, but my loss, John McNawton, a Harvard law professor for whom I have the greatest respect and still respect in many ways, wrote on September 3, 1940, 64 or just about when I was coming aboard officially as his assistant, took some bargaining with the Civil Service Commission, 'The situation in South Vietnam is deteriorating, even before the government sank into confusion last week.' It was a very black fall, that's election fall. 'The course of the war in South Vietnam had been down with Viet Cong incidents increasing in number and intensity, etc.' All is very rather familiar I'm afraid. 'Successful ambushes had demonstrated an unwillingness of the population even what was thought to be pacified areas to run the risk of informing on the Viet Cong. War weariness was apparent.' This is 64. 'The objective of the U. S. is to reverse the present downward trend. The main idea suggested is outside the borders of South Vietnam. There is a chance the downward trend can be reversed or at least a convincing demonstration made of the great costs and risks incurred by a

DANIEL ELLSBERG

"country which commits aggression against an ally of ours. You notice how these perceptions crept in even to the official interior (inaudible). The idea was and to bring actions against North Vietnam. This, by the way, was what Barry Goldwater was suggesting at the time for which he was being called, of course, an extreme fanatic nut. And it is true, as a matter of fact, I think, that President Johnson did not focus on the problem and really make his decision to carry out the Goldwater plan until later. It is also true that every one of his military and civilian advisors was proposing no later than the start of the new year that we should carry out this plan, which the President was denouncing as an extremist, nutty idea. There was a certain amount of deception in that campaign of 1964. If you ask, by the way, why these Harvard professors, and McNawton was not the only one who was a Harvard professor, (inaudible) was another (inaudible) of them, not to be invidious I was from Harvard. Could you say how could they bring themselves to be quite so deceptive to the public and to allow this, such a misleading impression to go on. I'll tell you in that particular case that the opponent, the alternative is Goldwater. Anything to beat Goldwater has got to be all right basically and landslide is better than not. That's what the President wanted. So I don't think they felt too bad. They were very clear that it would not be helpful to the election to expose to the electorate just what they had in mind. Plans they now call when they read them in the New York Times contingency plans but which were, in fact, proposals, schedules that were carried out. So contingency plan is a little misleading description of what we have here.

"Four, these actions should be lightly at some point to provoke, well, let's see, three, they, two, they should cause apprehension, the kind of actions we should do, ideally increasing apprehension in the DRV, the Democratic Republic of Vietnam, a

DANIEL ELLSBERG

"name that required, by the way, in 1945 when the Emperor Bau Dai (phonetic) abdicated formally to President Ho Chi Min (phonetic), accepting a role as a commoner with the title, named Ven Twi (phonetic) he took, with the title Supreme Counselor to President Ho Chi Min. For a year and a half Ho Chi Min ruled as President, recognized as Head of State by the French among other people with whom he negotiated in North Vietnam before the French began their attempt at colonial military reconquest of the country, reinvasion and reconquest. This is the kind of history I didn't know, I must say, when I was in the Pentagon and it struck me as quite surprising and relevant when I finally did read it in the Pentagon Papers. Anyway, three, they should be likely at some point to provoke a military DRV response. Four, the provoked response should be likely to provide good grounds for us to escalate if we wished. We should watch for other DRV actions which would justify retaliation. Among such DRV actions might be downing of U. S. (inaudible) reconnaissance, (inaudible) the attacks on South Vietnamese POL petroleum, (inaudible) the attacks on takeover of airfields on which U. S. aircraft are deployed likely, it says. That with that we did get, you remember, Ben Wau (phonetic) and finally Pla Ku (phonetic), to which we 'retaliated' finally in the spring.

"Special considerations. No, if worst comes and South Vietnam disintegrates or their behavior becomes abominable, as of September, and you won't remember that but that suggests interesting standards, if it were to become more abominable than it was then, not to make a joke out of it, the coups that were succeeding each other every few weeks in the fall of 64 were featured by such sayings, aspects of our policy really in keeping these generals in office, as 14-year-old boys running through the streets of Saigon cutting people up with butcher knives basically. It was

DANIEL ELLSBERG

"total black chaos, described as such, pretty well described in these papers actually. Then our objective is 'to (quote) disown (unquote) South Vietnam, hopefully leaving the image of (quote) a patient who died despite the extraordinary efforts for a good doctor (unquote). The relevant audiences,' McNawton goes on, 'of U. S. actions are the communists, who must feel strong pressures, pressures of their abstract work. The South Vietnamese (quote) whose morale must be (inaudible) are allies (inaudible) Vietnam who must trust us as underwriters and the U. S. public (which must support our risk-taking with U. S. lives and prestige).' During the next two months because, that is, before the election, because of the lack of (quote) rebuttal time (unquote) before election to justify particular actions which may be distorted to the U. S. public we must act distorted such as North Vietnam kept saying there had never been a second attack and that there had been provocation and so forth. That's what they were saying. We must act with special care, signaling to the DRV that initiatives are being taken, to the GVN that we are behaving energetically despite the restraints of our political (inaudible) and to the U. S. public that we are behaving with good purpose and restraint.

"Well, the election occurred. On the day of the election in which Johnson did win with a landslide Assistant Secretary of State for Far East William Bundy (phonetic), now the Editor of Foreign Affairs, who was recently by colleague at MIT Center for International Affairs, convened a working group from State, Defense and CIA and the White House to consider the bombing of North Vietnam, different options. I was a member of that Washington group for the Defense Department. That was on election day, 1964, not earlier and not by coincidence, to consider the Goldwater plan, in other words. The reason Goldwater came out with that plan, by the way, he now tells us after the Pentagon Papers came out, he knew of all these proposals at the time. He was a Major

DANIEL ELLSBERG

"General in the Air Force Reserve, member of the Senate Armed Forces Committee. He knew it all. He knew the President was lying and misleading the public and denying his plan, knowing that every member of his staff, his cabinet, was recommending this same plan. Goldwater didn't share that knowledge with us. After all he's an obedient (inaudible) security didn't feel he had a responsibility as a Senator and as the candidate for office and as a highest office and as a citizen to share with his fellow citizens what we and the North Vietnamese were in for these last eight years. But that's his choice. It's the same kind of choice I made at that time. I didn't open my mouth either and I knew about it. I've had a lot of time to think recently what would have happened if I had told someone else, one of the many people who know all this, had told at the time how the American public was being lied to and how a declaration of war was being (inaudible) by fraud, how an election was being rigged by (inaudible). Very late in the game I came to ask myself did I have the right after all to help conceal those lies and deceptions. What gave me the right to help fool my fellow citizens and the Senate in that fashion. It took a long time for me to reach that question. It was a very challenging question when it finally came but I didn't think in those terms at the time any more than Goldwater did. At any rate, the bombing was on its way. Why? The Goldwater plan actually was a rotten plan as the President said. It was as bad as he said. It was crazy. Obviously it did fail. It's failing now. So why did these men ever get aboard such a wild, crazy, rotten idea. As a matter of fact, that's one aspect of the war that I did think at the time was very bad. So did McNawton, by the way. He thought it was a terrible plan. We both criticized it to our bosses, respectively, he to McNamara, who liked it. McNawton kept his mouth shut too and carried

DANIEL ELLSBERG

"the plan out very loyally for his boss and I think he was wrong to do that, but everybody else, all of our colleagues, did it too. How could they ever have thought that such a plan would work, because the intelligence people told them it would work? Well, I haven't got the reference here but the intelligence estimates you can look up in these chapters of the Pentagon Papers uniformly said it would not work. It said the men in Hanoi who have been fighting our policy for 25 years or at that time actually less than 20 years are not about to stop because they get bombed. You can destroy Hanoi and Hai Fong (phonetic) but they fought eight years against the French while the French occupied Hanoi and Hai Fong. So take it right out, take it out with a nuclear weapon, that isn't going to change the war in effect. Blockade, mining, that won't change it. The stuff will get down. They don't need very much. This is what intelligence is saying in 61, 63, 64 and 65 and to get ahead of my story 69 to President Nixon and 71 to President Nixon and 72. They've always been right. There were other people, the Air Force and sometimes the Navy, who did say otherwise, they've always been wrong. They didn't look very good at the time. When you put the two estimates next to each other you could see which one made sense very easily. That you could see and that I could see. So why did they go for it? Well, the objective that McNawton, the reason McNawton gets quoted so much here is because his files, but really because he was dead, were wholly available to the study at that time, his private files. Also, he was McNamara's staff man. He put more on paper for McNamara. The superior doesn't have to put as much on paper to justify to other people but to tell a boss or to give McNamara usually a talking paper to use with Rusk or other people. He would put on paper arguments that he had discussed with McNamara, arguments that he knew. He didn't try to convince McNamara on paper. That's one thing that has to be

DANIEL ELLSBERG

"understood when you read these papers. McNawton is represented a great deal, but the reason he is so explicit in paper is because he is giving McNamara arguments previously discussed with McNamara which McNamara found agreeable and that McNamara could use in turn the talking paper when he dealt with meetings with Rusk or with the President. (Inaudible) really quite representative opinions. The (inaudible) is as McNawton described them, were these, a much quoted document:

"March 24, 1965, this is after the bombings have started, after we had finally gotten that provocation, the attack on our planes at Pla Ku killed eight Americans and would set us to doing our preplanned plane attack on North Vietnam accompanied to a television announcement from the White House (inaudible) no whiter war. Interesting refrain, by the way, you know the way people in staff write documents, if you know or don't know, they get out the previous statement of the most relevant occasion and they plagiarize it as much as possible. Inside the government this is the way you do things, very fast. You don't have pride of authorship and perhaps the (inaudible) is taken in that case from the statement that accompanied the Tonkin Gulf raids, the first raids in August, at which time President Johnson also said we seek no whiter war. And this goes across administrations. When we went into Cambodia under President Nixon's Secretary Laird's announcement was we seek no whiter war. They dropped that phrase on Laos.

"The aims, one, U. S. aims by McNawton. Seventy percent to avoid a humiliating U. S. defeat to our reputation as (inaudible). Twenty percent to keep South Vietnam and the adjacent territory from Chinese hands. Ten percent to permit the people of South Vietnam to enjoy better, freer way of life. Not capitals not quote to help a friend, although

DANIEL ELLSBERG

"it would be hard to stay if asked out. Why write down, you know, what we're not doing it for, to remind people not to kid themselves on certain points, not to press certain things in public which couldn't possibly be sustained and so forth. It's got to be justified in terms of U. S. objectives for doing something this serious. Don't try to tell the American people we're doing all this and putting all our troops in in order just to help a friend, that was, they were clear about it, especially since it's untrue or since it happens to be untrue also. Do it in favor of U. S. objectives but the U. S. objectives honestly to ourselves are to avoid humiliation if you've heard that again more recently but the date on this is March 24, 1965. The bombing had begun that month. The bombing in retrospect was so small in 65 that it hardly counts. I forget what it was, it was like 20,000 times, something that we do in a week now so it didn't amount to much. It really began to get moving by the spring of 1966 a year later. At that time the expectations of all this, the thought that bombing might get the North Vietnamese to stop, might do something, might coerce them into calling off the war, so you might as well try it. That was the main mood in which the bombing was undertaken. They were clear that wasn't going to happen. The fighting in the Aushaw Valley (phonetic) showed that the North Vietnamese were (inaudible) in the fall of 1965, were going to reinforce and that a very big war was coming. They weren't backing down after all. The intelligence estimates it turned out had been right, and the gamble by the civilian officials had been wrong. It wasn't working. At that point McNamara, who was a realistic man to his boss, not to the public, wrote on December 7, 1965, Pearl Harbor Day, 'If the U. S. were willing to commit enough forces, perhaps 600,000 men or more, we could ultimately prevent the DRVVC from sustaining the

DANIEL ELLSBERG

"conflict at a significant level.' We were up to about 175,000 at that point. But he goes on to argue the intelligence estimate is the chances are a little better than even that at this stage, that is this 100,000 men, Hanoi and (inaudible) would choose to reduce the effort in the south and try to salvage their resources for another day. But there is almost an equal chance that they would enlarge the war and bring in large numbers of Chinese forces. It follows, therefore, that the odds are about even, this is now the beginning of, this is the end of 1965, about even that even with the recommended deployments, another 200,000 men, we will be faced in early 67 with a military standoff at a much higher level with pacification still stalled and with any prospect of military success marred by the chances of active Chinese intervention.

"I was in Vietnam on the ground. I was doing patrolling, evaluating the pacification process in I corps, and two corps, three corps and four corps, actually, all the corps areas. I knew that prospects in South Vietnam as well as any other person at that point in the field. I was a special assistant to Deputy Ambassador. I had been there two years when Bill Bundy (phonetic), a colleague, came over for a visit once. He wanted a briefing on pacification and he sent a cable ahead that he wanted to speak to one person, Dan Ellsberg. And I came off a patrol with the Marines, came down on a night flight from Da Nang to Saigon to talk to him in the morning on a Sunday morning and tell him that pacification was stalled at a much higher level of activity. I hadn't read this memo at that time. I was in Vietnam when this was written. But he said it was 50-50. But, in fact, that's what did happen.

"At this point, a month later, I again was in Saigon by this time but my old boss McNawton was

DANIEL ELLSBERG

"writing, not 70 percent, 20 percent, 10 percent, but just the present U. S. objectives in Vietnam is to avoid humiliation. The reasons why we went into Vietnam to the present depth are varied but they are now largely academic. They weren't really. They had a good deal to do with the legitimacy of our killing one Vietnamese more but in the eyes, I would say my own eyes, I would have accepted that statement probably at the time. I hadn't read the history so I didn't know how relevant it really was. I had a wrong idea of the history in my head. Why we have not withdrawn from Vietnam is by all odds one reason, one, to preserve our reputation as a guarantor and thus to preserve our effectiveness in the rest of the world. We have not hung on two, to save a friend or three, to deny the communists the (inaudible) because the dominoes don't fall for that reason in this case. Intelligence has always said that the domino theory did not work. They have always given a lie to the President (inaudible) President's statements to the contrary. They still do. Or even for to prove that wars of national liberation won't work. At each decision point we have gambled. These memos are written to McNamara, by the way. At each point to avoid the damage to our effectiveness of defaulting on our commitment we have upped the ante. We have not defaulted and the ante and commitment is now very high. It is important that we behave so as to protect our reputation. At the same time, since it is our reputation that is at stake and so forth (inaudible) we are in an escalating military stalemate.

"January, 1966. At this point the real bombing of North Vietnam began. McNamara despite his estimate that the odds were 50-50 that what did occur would occur, the escalating military stalemate, did recommend some more forces. They did go up to 550,000 and at that point Westmoreland was asking for another 200,000 that would have brought them to not 600 but to 700,000 and that wouldn't have been enough.

DANIEL ELLSBERG

"Sixty-six, January 66, at about that time McNamara disillusioned with the bombing began to work to cut it down and he did so until he was fired a year and a half later before he could, Johnson was afraid he might ultimately betray him to Robert Kennedy, it appears, so he fired him, kicked him upstairs in December of 19, no November actually of 1967, just while the Pentagon Papers were starting to be written. In December of 67 we had dropped one and a half million tons of bombs on North Vietnam and South Vietnam or as much as all we had dropped in World War II in Europe. At this point McNamara left. But very shortly after that we cut back the bombing of North Vietnam, you remember, in 1968, we cut it back, we expected the war to be over. A new candidate was elected to end the war, we thought. He said he would end the war. Negotiations actually started toward the end of the year. The bombing of North Vietnam was entirely dropped and in that year of 1968 President Johnson dropped another million and a half tons of bombs, so his total was three point two million tons, as much as all of World War II, two million tons, plus Korea, one million tons. Johnson at this point had dropped more bombs than any man in history. As a result of the policy which his advisors had agreed as late, as early as early 1966 my old bosses, was just to prevent humiliation, their humiliation essentially, and their effectiveness. They didn't really ask what price they were justified in paying in terms of either U. S. lives or Vietnamese lives and no U. S. official has ever asked that. As a matter of fact, we did a lot of estimating of how many tires would come down the Ho Chi Min trail, what the attrition factor was, what the birth rate was in North Vietnam so how many people it would be necessary to kill to run North Vietnam out of men. We estimated all kinds of things. The estimates weren't all very good, some were better than others, but we did the best we could.

DANIEL ELLSBERG

"One thing no U. S. official has ever, ever asked for an estimate of was the number of Indochinese altogether, men, women, children, boys, babies, that we would kill in the next year with our policy. Not only have they never asked that but they've never collected the figure since it's not relevant to the policy, or is it? One might ask whether we had a right to kill an unlimited number of Vietnamese to protect our effectiveness in the rest of the world or prevent humiliation, even if those were important and I thought they were important as McNamara and McNawton did, as the President obviously still does. The President does seem to get through press conferences even today without being asked are there any limits, any limits on a right to kill other people to protect our effectiveness in the rest of the world, to prevent you from humiliation. And whether or not there are limits, what is your estimate? I asked Henry Kissinger that once in 1971. It was the night when he told a background session, including Cy Vance (phonetic), my old boss then former Deputy Secretary of Defense, and lots of other people. I said how many Indochinese do you expect to kill in the next year? He found it a very embarrassing question, backed away from it a great deal. He had told us earlier that night the war is trending down and I assure you of a continue to trend down. That night we learned later was the night of the preinvasion bombing of Laos, which has led a third of the population to be refugees since that night. In any case, before I leave those statistics behind I mentioned that Johnson had dropped three point two million tons of bombs. Could I hear an estimate from somebody here, someone if you don't mind who proposes to vote for Nixon, how many bombs relative to that President Nixon has dropped? Are you someone who proposes to vote for Nixon, can I ask? I'm sorry. Yes, five million

DANIEL ELLSBERG

"you say? You really are quite clear then that you are going to vote for someone you think who has dropped five million tons of bombs compared to Johnson. That's interesting. Well, you're wrong actually the answer is three point seven million, three point eight million this month. By November he will have dropped twice as many bombs as in all of World War II. Could I ask you what your estimate of the number of people who have been killed, wounded or made refugee during this year and a half years that we've been bombing under Nixon? Could I hear an estimate from somebody? Have you ever asked yourself that, by the way? I mean I'm not trying to put you on the spot but I'm just curious to know if you've asked yourself. The figures are available. They do get published bit by bit. They don't usually get added up together. I wouldn't expect that. Could I have an estimate from someone? Two million now, killed, wounded and refugees, this amount? Another estimate, 500, five million, three million? Well, the number is six million, two million killed and wounded, one and a half million civilian, I'm sorry, military, killed and wounded, half a million civilians killed and wounded. Those civilian figures come from the Kennedy Subcommittee, the military figures come from the Pentagon. The 165,000 civilians killed, about 410,000 wounded, so far. Four million refugees, two million in Cambodia, all under Nixon, one point eight million new refugees in South Vietnam, a quarter of a million in Laos. That's four million. Six million people. That happens to compare with five and a half million under Johnson, obviously the important thing is not that the figure is already larger and is getting larger but that it's not less, the rate is not less, so the price tag, the bill, I never thought of it in these terms, exactly, until this moment, but the bill for the

DANIEL ELLSBERG

"good doctor reputation, the doctor that did everything it could but the patient died despite his efforts, was eleven and one half million people and the injections were seven million tons of bombs, still going on at the rate of a million tons a year. Since the Pentagon Papers came out a year ago he has dropped over a million tons, that's five Hiroshimas a week, I'm sorry, a month, a little more than one Hiroshima or 20,000 tons a week. I have no doubt that that same rate is going to continue under President Nixon. I have no doubt that the intelligence estimates he has gotten tell him what Johnson's did and are right again, that these bombs will not coerce the leadership of the resistance to our presence and ending it, so the bombing will have to continue and the POW's that we hear about will not come home. I don't know if there are people in this audience wearing POW bracelets. There may well be. If there are I think you will wear them for as long as President Nixon is in office, but the costs are much larger than that obviously. There came a time when Secretary McNamara rather late in the game suggested (inaudible) that the spectacle of the world's greatest super power bombing and terrorizing a small peasant country into submission is not a pretty one and if continued could cause a painful adjustment in our self-image. That was in May, 1964, 67, five million tons ago.

"I was going to go on really, I didn't know quite how long, I've taken longer than I expected on this account really to explain really what else what I knew in September, 69, that caused me to give the Pentagon Papers to the public. So I can sum it up pretty quickly having given you this account. Having worked for Kissinger and Nixon in the spring of 1969, having written questions for them that led to the same kinds of estimates (inaudible) he had gotten before, namely, that mining would not work, that

DANIEL ELLSBERG

"(inaudible) would, the Vietnamese Army or mercenary army, would never be able to stand alone without U. S. air and U. S. ground troops, never. That was the estimate of the Joint Chiefs just tested this spring. The mining estimate also being tested finally by President Nixon. I learned in the fall of 1969, just after I had finished reading the Pentagon Papers, that 64-65, a history that I knew very well, was about to be repeated. In this case with fewer ground troops we were going to go down, not up, down not to zero but to a residual force that would remain indefinitely or until the other side accepted our terms. President Nixon was never told by anyone any more than Johnson was told that his strategy would cause the other side to accept his terms but to my best information he did get himself to believe that that was possible, so did Kissinger, not Rogers, not Laird. They disagreed, they thought the policy was disastrous to my best information, but like McNawton, like me, they kept their mouths shut when they disagreed as far as the public was concerned and they still do. So we were going to withdraw our ground forces gradually to a residual force and we were going to protect them by the same kind of threats that Johnson used only bigger, so this time they might work, threats to do more bombing than Johnson had ever done, and threats very specifically now to bomb the dykes. I'm sorry, correction, to bomb and mine Hai Fong (phonetic). The word there was thought of dyke bombing even in McNawton's memos at this time but that was not part of this specific plan as far as I know, but to mine and bomb Hai Fong and to carry out the unrestricted bombing of North Vietnam. This was to confront the Russians with the risks of their involvement, supposedly. Again no one told these two men that that would work. It was a crazy idea, but they thought it was worth trying. It didn't work, you may have noticed, but they did try it. Just as in 64 Hanoi was told of our plan. (Inaudible) was told by us through Clare Sealorn (phonetic), a Canadian member of the ICC, that we meant to bomb

DANIEL ELLSBERG

"them unless they stopped the war. Meanwhile the American public was not told of this plan during the election campaign. In exactly the same terms Ambassador Dobrenem (phonetic) was told on May 14, 1969, that we would escalate the war if they did not produce a settlement. This is known to a handful of people in the White House, it was known to me because I was their associate. It is not known to the American people. It was known to Russia. So the mining that came as some surprise to the American people, including I hope to some of those people who voted for Nixon this last spring, was not a surprise to Russia, which had had three years to prepare for that mining. Nor was it as it happened a surprise to me or a few other people. The others kept their mouths shut except to me and I decided in September, 69, that I had kept my mouth shut too long. I didn't have documents to prove what I've just said. I got it on testimony that I was willing to stake my life on and I did. But I did have documents about the earlier period and I thought maybe this incredible story will be more plausible to people if they can see how closely it was followed by a previous administration, just as crazy a plan, in fact, the same plan as it was. Well it didn't prevent the plan from being carried out unfortunately, but at that point I had a different picture of what the war was about. I had just finished reading the Pentagon Papers. I'd recommend to you in particular the earliest volume of the Cravell edition, the one that gives the origin to the war, the one that shows the real light on what kind of war it has been, whose war it has been and how long it has been going on. And to me that came from reading in part the earliest message written on this war.

"If you thought McNawton's memos were perhaps surprisingly realistic and candid, more than people generally realize, I can tell you, yeah, very critical stuff, very realistic stuff does get to the

DANIEL ELLSBERG

"President. That's normal. The President doesn't tell the public. That's normal. In fact, he lies about it. That's the tradition. I felt that what I had known in 64-65, what I knew was going to be the case in 69-70 as it has been, went back through every year of our involvement, 61, 63, 54, but it didn't start in 54 as many people think. It started somewhat earlier with our support of the French. Here was the earliest message written on the subject. It was written on December 23, four days after December 19, when the fighting broke out between the government of Vietnam, Ho Chi Min's government, and the French invading forces. Although the French in Indochina, this is a message, a memo, from John Carter Vincent to Under-Secretary of State Dean Acheson on December 23, 1946. Although the French in Indochina have made far-reaching paper concessions to the Vietnamese desire for autonomy, French actions on the scene have been directed toward whittling down the powers and the territorial extent of the Vietnam free state. This process the Vietnamese have continued to resist. I might say that two years later we were estimating Ho Chi Min has the support of a considerable majority of the Vietnamese people. We always estimated that to ourselves, not to the public. At the same time this, at the same time the French themselves admit that they lack the military strength to reconquer the country. Four years later we were giving them aid through France, three years later I should say, in 1950, they had gotten to the end of their rope and to keep them even in the game we had to give them direct aid, which we did. To what we knew from, we never doubted, was a French colonial reconquest, not from the point of view of our anti-colonial principles or the U. N. Charter exactly a legitimate basis for what we were doing and it never has been. That's how well we thought and in terms of the prospects no different from 1964, not to win but to prolong and postpone a defeat. In brief, with inadequate

DANIEL ELLSBERG

"forces, with public opinion sharply at odds, with the government rendered largely ineffective through internal division, the French have tried to accomplish in Indochina what is strong in United Britain, found it unwise to attempt in Burma. Given the present elements in this situation guerrilla warfare may continue indefinitely. I happened to visit John Carter Vincent in Cambridge when I learned he was retired there just last year, and I went to pay my respect for this (inaudible) message and I asked him if he remembered the message and he said, 'Oh yes, I remember that very well.' He is an old man now. He said, 'What was it I said? Did I say ten years, fifteen years?' And I said, 'You said indefinitely.' Actually the day I saw him was a rather special day and on that morning the New York Times had this statement. It was just after we had made attacks allegedly for retaliating for attacks on our reconnaissance planes. By the way, we've been reading now, you know, secret reports on exactly what those protective retaliation attacks were. These were General Lavell's (phonetic) attacks in North Vietnam. But in December we were reading about them differently and remember between Christmas and New Years we carried out a 1,000 plane raid to retaliate for those attacks on our reconnaissance planes, a little shades of Tonkin Gulf.

"One young pilot in Da Nang at the time summed up his experience this way, we keep on bombing and we keep underestimating how ingenious an enemy we're up against. When we try something he develops countertactics and it just never ends. The dateline of that story is Saigon, December 19, 1971. It's the 25th anniversary of our Vietnam war.

"Well, we've gone a bit further since then, air war. It has got to be better than nothing.

DANIEL ELLSBERG

"Quote. Return to the new air war. The Lavell charges, I don't have time to read these now but here is today's, what is it, today's, this is yesterday's Wall Street Journal, in Vietnam the headline is things change but stay the same. The war is continuing. The experiments that had been proposed so many times to mine Hai Fong discussed, we now know, thanks to Richard, what's his name, the (inaudible) by Richard Wayland (phonetic), who wrote 'Catch the Falling Flag,' he discussed the mining of Hai Fong with President Nixon it turns out in September, 67, so he did have a secret plan not long ago. And it was a secret, it was a secret, he carried it out finally not to the surprise of the Russians but to this effect American officials are still arguing (inaudible), yeah, in the view of a surprising number of officials here, Saigon, neither the intensity nor the duration seems to have been greatly effected by America's mining of Hai Fong Harbor and massive bombing of North Vietnam. Well, it's a lot more. To begin, casualties as always remain largely untabulated. Nothing much has changed.

"As I say, we do have a chance, I think, an unprecedented chance to end this history, not because we have a chance to elect a Democrat because the history I was telling you was a history of a Democrat that I worked for and the war started under a Democrat, Harry Truman. Not because of character, a character of these men varied a good deal. They all lied. They all carried on the war. They all tried to postpone a defeat as long as they were in office, just like President Nixon, they all did the same, so why should anyone do any different. I do think that the chance, the opening that we have right now is unique because for once a candidate has said exactly how and when he would end the war, five minutes to end the bombing, 24 hours, 90 days to take all troops out and take the Saigon regime off our payroll. It is basically the tactic (inaudible) used in 54 when he said,

DANIEL ELLSBERG

"If I'm not out in 30 days, if I don't have peace in 30 days I will resign," and with that kind of pressure, that mandate he had an armistice on the 30th day from his taking office. I think I thought really for several years long before Senator McGovern espoused this approach I thought it was the only way out, for a new President to come in having gotten himself a mandate so that on the one hand he would share responsibilities of the consequences of getting out with everyone who had elected him and on the other hand he would face real political risks if he didn't carry out that precise schedule and that those circumstances I thought a President would get out, could get out if he wanted to and I have no doubt Senator McGovern does want to. So I believe that if a miracle happens at this point, a necessary miracle in my opinion, if McGovern is elected I believe he will end the war within 90 days. If President Nixon is re-elected he has made no promise to end the war ever this time. He did last time but he has not this time. He has promised on the contrary to stay forever, that is to stay unless the Saigon regime no longer needs us, unless they send our POW's back during the war, unless they accept our terms, and so forth. These all spell forever. He's laying it on the line. He's not kidding anybody. He has told us he will continue the bombing through the election and I believe him. I believe he will continue for four years after the election, that he will seek peace as Johnson sought peace and as Nixon has sought peace for the last four years, into the same effect and with the same methods, a million tons a year. So I think the issue is between war and peace in this election, but the polls tell us that we're going to pass that opportunity and then the war will continue. How then will it end?

"There was a time when Senator Akins (phonetic) suggested that we just say we've won and get out.

DANIEL ELLSBERG

"I think most people would wish we had accepted that, most people, maybe President Nixon. I don't think that's open to us any more. I don't think we will ever be able to lie our way out of the war. They've spent too much time pressing false history into our heads about the commitment, about the ally, about the true Vietnams, too many lies. You can't get out from that notion of history. Start with the assumption that we have made a legitimate commitment to a real state, a state that is not merely a figment of our policy, that we are helping soldiers who are not our mercenary employees but are brave allies who are doing their best. And you can't abandon them. There is no way out. That means we just don't get out unless we finally do the work of understanding it. It means doing a lot more reading in this campus and in other campuses than you've done or even your colleagues or your professors probably or other people have done on how we really did get in and what it has all been about and then work on that and pass it on to a lot of other people. Understanding this war is very painful, people resist it precisely because it does not show us in a happy light. It's very painful knowledge. I don't think you can really come to an understanding of this war and accept a lot of aspects of the way the country is run and that threatens anybody who profits by the way the country is run, profits in any way, prestige, office, status, as well as money (inaudible). So it's going to be a hard task. Some day the war will end. It will end when we have had the courage to finally face what it is we are actually doing in Vietnam, face who we are, what we've been doing, the reality of it and ask to change that reality, to change our lives and end the war. Thank you."

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency nor duplicated within your agency.



UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

San Antonio, Texas

October 13, 1972

In Reply, Please Refer to
File No.

Title DANILL ELLSBERG

Character

Reference Letterhead memorandum dated
and captioned as above.

All sources (except any listed below) whose identities are concealed
in referenced communication have furnished reliable information in the past.

F B I

Date: 10/19/72

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL _____
(Priority)

TO: Acting Director, FBI (65-74060)

FROM: SAC, Cleveland (65-3521) (P)

MC LEK
SIO

ReBuairtel to Albany, 3/16/72; and Cleveland airtel to the Bureau, 10/2/72.

Enclosed for the Bureau are two Xerox copies each of two newspaper articles which respectively appeared on 10/5/72 in the "Akron Beacon-Journal," Akron, Ohio, and the "Record-Courier," Ravenna and Kent, Ohio. Enclosed for the information of Los Angeles is one copy each of the newspaper articles.

These articles contain comments by DANIEL ELLSBERG while speaking on the campus of Kent State University (KSU), Kent, Ohio, on 10/4/72.

It is noted the article titled "McGovern to end war: Ellsberg," which appeared in the "Record-Courier," contained an appeal for funds in the last paragraph. It stated contributions could be sent to Rev. WILLIAM JACOBS, 435 E. Main St., Kent, Ohio. For the information of the Bureau, JACOBS is director of the Kent United Christian Fellowship; co-ordinator of the Kent State Campus Ministries Office; and a known nonviolent anti-war activist.

- 2 - Bureau (Enc. 4) (RM)
2 - Los Angeles (Enc. 2) (RM)
2 - Cleveland

QJS/hs
(6)

ST-102

REC-21

10-27
18 OCT 23 1972

SPEC. INQ. OFFICE

Approved: NOV 1972
Special Agent in Charge

Sent _____ M Per _____

CV 65-3521

On 10/4/72, [REDACTED] who has furnished reliable information in the past, [REDACTED] the fund raising dinner for ELLSBERG on 10/4/72 at the residence of Dr. RICHARD TOERNE, an Associate Professor at KSU. Source stated approximately 40 individuals were in attendance and approximately \$400 was raised at the dinner. Source added ELLSBERG had agreed prior to the dinner that half of the proceeds would be given to the Portage County, Ohio, Chapter of the American Civil Liberties Union.

(Mount Clipping in Space Below)

Ellsberg Keeps Punching At Count Of 15

By JOHN DUNPHY

Beacon Journal Staff Writer

KENT — For Daniel Ellsberg, the wiry former Rand Corp. analyst who freely admitted leaking the "top secret" Pentagon Papers to newsmen 15 months ago, the wave of celebrity that carried him to national attention has receded.

He spends his days now touring college campuses stumping for George McGovern and blasting President Nixon for continuing the war.

Unemployed since June when he left his \$29,000-a-year job at Massachusetts Institute of Technology, he spends his spare moments hustling money for his defense against a 15-count Federal indictment charging violations of the Espionage Act and conspiracy.

THURSDAY he came to Kent State University, chatted cordially with the older members of the university community at a noon-time fund raiser before speaking to a crowd of nearly 2,000 on the KSU Commons.

He speaks quietly of the ordeal leading to his indictment for releasing the massive Vietnam study he co-authored. His serious blue eyes betray a sense of loneliness about the man — a searching for a place to stand in society somewhere between the labels of traitor and hero.

The 41-year-old anti-war activist believes the risks he took in disclosing the Pentagon Papers are very small compared to the risks American soldiers and Vietnamese people are subjected to — "losing their lives and having their bodies destroyed."

"I think the risks one should be prepared to take to stop the machine — to stop what we are doing — have to really be judged in the same context as the risks that machine is imposing on other people in the world.

"AND WHEN you come to recognize the operation you are in as one of systematic deception and murder, the question of whether it's worth it hardly arises," he said.

Before addressing the rally, Ellsberg toured the area near Taylor Hall where four students were killed and nine wounded in a clash with National Guardsmen in May 1970.

By the time he got to the speaker's platform he had shed his sports coat and tie and unbuttoned his shirt collar. His salt and pepper hair strayed in the wind as the crowd greeted him with a standing ovation.

(Indicate page, name of newspaper, city and state.)

G-1 Akron Beacon Journal

Akron, Ohio

10-5-72

Date:

Edition:

Author:

Editor: John S. Knight

Title:

Character:

or

Classification:

Submitting Office Cleveland

☐ Being Investigated

ENCLOSURE

HE TOLD the crowd the country is in a state of political impotence largely because of the cynicism generated by the Nixon Administration. That cynicism, Ellsberg thinks, may be the undoing of McGovern's chances of winning the election next month.

"Nixon by promising to end the war and failing to do it has made people so cynical of political promises he has destroyed the credibility of any future opponent who comes along and promises to actually end the war," he said.

Ellsberg said he didn't regard McGovern as an angel, free from the human limitations seen in other politicians.

BUT, he said, "McGovern would end the war — not because he is a Democrat — Democrats have carried on this war — and not for reasons of personality or promise — but because he has said so precisely how and when he would end the war that if he failed to carry out that promise he would be subject to great political risk."

Ellsberg, who worked in the Defense and State departments before going on to the Rand Corp., thinks President Nixon does not intend to end the war.

"Richard Nixon is telling us quite openly that he will continue the bombing which is the war — and has been for some time — as long as they have our prisoners of war and as long as the Saigon government needs help — and that's forever.

"HIS POLICY condemns the prisoners to stay in their prisons essentially forever. The people who wear POW long as Richard Nixon is in bracelets will wear them so office," he said.

Ellsberg said electing McGovern is the clearest choice between war and peace this country has had in 20 years.

"We're told that's a miracle. It's a necessary miracle," he said urging students to vote and get out and work for McGovern's election.

AS ELLSBERG lashed out against Nixon, Dolf M. Droge, the President's adviser on Vietnam was to speak on Nixon's Vietnam policy in a classroom not far from the Commons.

Members of the KSU Young Republican Club canceled Droge's talk.

Ellsberg raised more than \$500 during the five hours he spent in Kent. He agreed to give half the proceeds to the local branch of the American Civil Liberties Union which co-sponsored his appearance along with the Vietnam Veterans Against the War.

The veterans made a video tape of Ellsberg's address and hope to use it for "political education."

Ellsberg's travels around the country raising money for his defense — which he says will cost \$600,000 — depends largely on whether the U. S. Supreme Court decides to hear charges of government wiretapping involving one of Ellsberg's defense team.

HIS TRIAL was abruptly halted Aug. 9 after selection of the jury. Defense attorneys requested a mistrial be declared upon discovery of Justice Department wire-tapping.

Justice officials admitted one of its "foreign intelligence" wiretaps accidentally picked up a conversation involving a member of the defense team.

Supreme Court Justice William O. Douglas delayed the trial until the Supreme Court decides if it will review the matter.

If the court doesn't hear the matter, Ellsberg said his trial could resume within two weeks — a prospect he doesn't enjoy thinking about because if convicted he would be sentenced up to 115 years in prison.



DANIEL ELLSBERG SPEAKS OUT AGAINST WAR

F B I

Date: 10/16/72

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL _____
(Priority)TO: ACTING DIRECTOR, FBI
FROM: LEGAT, COPENHAGEN (65-13) (P)

MCLEK - SPECIAL INVESTIGATIONS OFFICE

ReBucab 10/10/72; COPcab 10/13/72 captioned "FOREIGN
POLITICAL MATTERS - DENMARK. HILEV."

Enclosed for the Bureau and Los Angeles are copies of informal translations of press accounts concerning comments by ANTHONY J. RUSSO, JR., in Copenhagen. In each instance, the original clippings are also being furnished to the Bureau in the event that more detailed translations appear desirable. Also enclosed for the Bureau and Los Angeles are single copies of characterizations of various Copenhagen newspapers, supplied by the AmEmbassy Press Attache, which may be of assistance in evaluating the coverage and comments by the various newspapers.

My recab referred to a projected demonstration at the AmEmbassy, Copenhagen, on 10/14/72. Approximately 2000 to 2500 demonstrators were present and a petition was presented to an Embassy Officer by three of the Americans present. It is noted that ANTHONY RUSSO is one of the signers of the petition. Copies of the document are also enclosed for the Bureau and Los Angeles.

During the demonstration at the Embassy, an individual, who was apparently an American, delivered some remarks in English over a public address system. It has not been possible to identify him to date but efforts in this regard are continuing.

[REDACTED] who is mentioned in several of the newspaper articles, has been made the subject of separate correspondence with the Bureau. It has not been possible, to date, to place RUSSO among the participants in the demonstration at the Embassy.

- 5 - Bureau (encs. 20) ENCLOSURE
 (1 - Foreign Liaison) (direct)
 (2 - Los Angeles) (encs. 20)

REP:ims (6)

Approved: _____
Special Agent in Charge

Sent 10/26/72 M Per

Per

SPEC. INV. OFFICE

ST-102

REC-20

10-27
12 OCT 24 1972

COP 65-13

We are following this matter further with sources who have been previously alerted and we will promptly furnish to the Bureau any information of interest which we may obtain.

NR008 DN CODE

7:39PM NITEL 10-15-72 RDE

TO: ACTING DIRECTOR (100-460998)

NEW YORK (100-170471)

FROM: DENVER (100-9921) (P) (2P)

NATIONAL PEACE ACTION COALITION (NPAC), IS - C (TROTSKYIST).

NPAC PLANS IN DENVER BEING IMPLEMENTED BY YOUNG
SOCIALIST ALLIANCE AND SOCIALIST WORKERS PARTY, WHO CONTROL
COLORADO PEACE ACTION COALITION.

[REDACTED] WHO HAVE FURNISHED RELIABLE
INFORMATION IN THE PAST, ADVISE PLANS ARE ONLY LOOSELY
FORMULATED AND APPEARS APPROXIMATELY TWENTY WILL PICKET
IN FRONT OF FEDERAL BUILDING, DOWNTOWN DENVER, LATE AFTERNOON
OCTOBER TWENTYSIX NEXT.

[REDACTED] WHO HAVE FURNISHED RELIABLE
INFORMATION IN THE PAST, ADVISE NPAC PLANS IN BOULDER BEING

END PAGE ONE

Mr. Tolson _____
Mr. Belmont _____
Mr. Mohr _____
Mr. DeLoach _____
Mr. Casper _____
Mr. Callahan _____
Mr. Conrad _____
Mr. Felt _____
Mr. Gale _____
Mr. Rosen _____
Mr. Sullivan _____
Mr. Tavel _____
Mr. Trotter _____
Tele. Room _____
Mr. Holmes _____
Mr. Gandy _____
Mrs. Neenan _____

Handwritten signatures and initials:
Hester
Sheffield
L. Blith
J. R. H.
W. H. H.
J. H. H.

Original Filed In

*Placer cc
65-74060 (mcler)*

2 cc. ISD
Adm. data deleted

*in white post
summary tel.*

OCT 31 1972

70 NOV 3 1972

NOT RECORDED


2 NOV 1 1972

PAGE TWO

IMPLEMENTED BY STUDENT MOBILIZATION COMMITTEE. PARADE
PERMIT OBTAINED FOR EVENING OCTOBER TWENTYSIX NEXT FOR MARCH
AND RALLY IN BOULDER. ANTHONY RUSSO, SUBJECT IN PENTAGON
PAPERS CASE, IS TO SPEAK AND MAY THEN LEAD MARCH.

ADMINISTRATIVE:

RE NEW YORK TELETYPE OCTOBER EIGHTEEN LAST.



BUREAU WILL BE ADVISED OF PERTINENT DEVELOPMENTS.

END

FBI

Date: 10/13/72

Transmit the following in _____
(Type in plaintext or code)

AIRTEL

(Priority)

TO: ACTING DIRECTOR, FBI (65-74060)
FROM: *FDT/edm* SAC, OMAHA (65-849) (P)
SUBJECT: MC LEK
SIO

Re Bureau airtel to Albany dated 3/16/72.

in the past, advised [redacted] who has furnished reliable information on 10/12/72 that DANIEL ELLSBERG has been invited to speak at the University of Northern Iowa (UNI), Cedar Falls, Iowa, at 8:00 p.m. on 11/16/72. ELLSBERG's invitation was extended by the Controversial Speakers Program of UNI. ELLSBERG will speak in the Men's Gymnasium, which is located on the UNI campus.

From past experience in covering a speech by [redacted] in the Men's Gymnasium, the microphone picked up considerable extraneous noises due to the poor acoustics in the building. Omaha, therefore, requests the Bureau to grant authorization to utilize [redacted]

[redacted] to tape the talk of ELLSBERG from two different locations in the gym. This is desired with the hope of obtaining a complete record of his speech.

REC-41

10-21
5 OCT 17 1972

5-110

② - Bureau
3 - Omaha
JDG:saw
(5)

(1 - 134-361)

XEROX

OCT 31 1972

SPEC. INV. OFFICE

UNRECORDED COPY FILED IN 134-23204

Approved: _____

Special Agent in Charge

Sent _____ M Per _____

Airtel

1 - Mr. J. R. Wagoner

10/19/72

To: SAC, Omaha (65-849)

From: Acting Director, FBI (65-74060) - 4046

MC LEK
SPECIAL INVESTIGATIONS OFFICE

ReOMairtel dated 10/13/72.

Omaha is authorized to obtain recording of Ellsberg's speech at University of Northern Iowa (UNI), Cedar Falls, Iowa, as indicated in referenced airtel provided full security assured.

Results should be submitted to Bureau and Los Angeles in accordance with Bureau instructions set forth in airtel to Albany and all offices dated 3/16/72.

1 - Los Angeles

1 - 134-23204
(OM 706-PSI)

JRW:bl
(6)

NOTE:

Ellsberg is scheduled to speak at the UNI 11/16/72, in the men's gymnasium located on the UNI campus. Omaha has requested authorization to utilize a Bureau approved potential security informant, who is a [REDACTED] as well as a special agent who is not known on the UNI campus, to record Ellsberg's speech from two different locations in the gym. It is noted FBI has been requested to record any speeches by Ellsberg where feasible by the Department for possible use in cross examination of Ellsberg should he take the stand in his trial.

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Airtel

1 - Mr. J. R. Wagoner

10/30/72

To: SAC, Los Angeles

From: Acting Director, FBI

MC LEK
SIQ

Department of Justice has received information from a source, the reliability of which is not known, to the effect that a newspaper by the name of "Pentagon Papers Incorporated, 125 West 4th Street, Los Angeles, California," is publishing or intends to publish for the price of one cent a copy, details of the Ellsberg trial as well as current happenings with regard to the Vietnam War. The alleged telephone number of this paper is 213-489-4250. *WJ*

Los Angeles, through established sources, attempt to verify if such a paper exists, identity of its officers, and if possible the source of its financing.

Make certain any investigation conducted is most discreet to avoid anyone connected with the newspaper from learning of FBI inquiries.

JRW:bl
(4)

SI-113

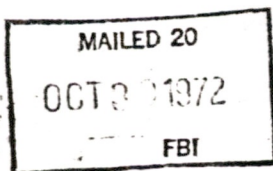
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NOTE:

Information was received from Departmental Attorney John Martin of the Department by Special Agent [REDACTED] on 10/26/72. Martin pointed out the Department's interest is the fact that if the paper is in anyway connected with Ellsberg, et al., his attorney or consultants, matter can be brought to the attention of Federal Judge handling Ellsberg's trial with the request that any publication of trial happenings be stopped.



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TO: ACTING DIRECTOR, FBI (65-74060)

FROM: SAC, WFO (65-11613) ATTN: DOMESTIC INTELLIGENCE DIVISION

MC LEK
SIO

T.I. [unclear] Waynes

captioned
Enclosed for Bureau is one copy of Government's
Brief in captioned case, filed in U.S. Supreme Court 10/13/72.

Enclosure submitted for information of Bureau; it
need not be returned.

*Brief for the Respondent in
Opposition*

any
ENCLOSURE *sealed*

ENCLOSURE ATTACHED

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Mr. Felt _____
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Mr. Callahan _____
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SUPREME COURT U.
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OCT 13 1972

MICHAEL RODER, JR., CLERK

No. 72-307

In the Supreme Court of the United States

OCTOBER TERM, 1972

ANTHONY JOSEPH RUSSO, JR. AND DANIEL ELLSBERG,
PETITIONERS

v.

WM. MATTHEW BYRNE, JR., JUDGE OF THE UNITED
STATES DISTRICT COURT FOR THE CENTRAL DISTRICT
OF CALIFORNIA

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED
STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

BRIEF FOR THE RESPONDENT IN OPPOSITION

ERWIN N. GRISWOLD,

Solicitor General,

A WILLIAM OLSON,

Assistant Attorney General,

ROBERT L. KEUCH,

DAVID R. NISSEN,

WILLIAM M. PIATT,

Attorneys,

Department of Justice,

Washington, D.C. 20530.

INDEX

Opinions Below.....	Page 1
Jurisdiction.....	1
Questions Presented.....	2
Statement.....	2
Argument.....	7
Conclusion.....	16

CITATIONS

Cases:

<i>Alderman v. United States</i> , 394 U.S. 165.....	13
<i>Bankers Life & Casualty Co. v. Holland</i> , 346 U.S. 379.....	12
<i>Cobbledick v. United States</i> , 309 U.S. 323.....	8, 10
<i>Cogen v. United States</i> , 278 U.S. 221.....	8
<i>Giordano v. United States</i> , 394 U.S. 310.....	14, 15
<i>Jones v. United States</i> , 443 F. 2d 822.....	14
<i>Parr v. United States</i> , 351 U.S. 513.....	12, 16
<i>Taglianetti v. United States</i> , 394 U.S. 316.....	14, 15
<i>United States v. Battaglia</i> , 410 F. 2d 279, cer- tiorari denied, 396 U.S. 848.....	14
<i>United States v. Birrell</i> , 269 F. Supp. 716.....	11
<i>United States v. Cole</i> , 325 F. Supp. 763, af- firmed (C.A. 2), Nos. 72-1075-1077, June 6, 1972.....	11
<i>United States v. DiStefano</i> (C.A. 2), Nos. 72-1268, 72-1442, July 17, 1972.....	13
<i>United States v. Hoffa</i> , 436 F. 2d 1243, cer- torari denied, 400 U.S. 1000.....	14
<i>United States v. Jorn</i> , 400 U.S. 470.....	9-10

(ii)

Cases—Continued

<i>United States v. Kane</i> , 450 F. 2d 77, certiorari denied <i>sub nom. Sklaroff v. United States</i> , 405 U.S. 920	Page 14
<i>United States v. Scale</i> , 461 F. 2d 345	14
<i>United States v. United States District Court</i> , 407 U.S. 297	8, 11
<i>Will v. United States</i> , 389 U.S. 90	8, 12

Constitution and statutes:

United States Constitution:

Fourth Amendment	2, 15
Sixth Amendment	15
18 U.S.C. 371	2
18 U.S.C. 641	2
18 U.S.C. 793	2
18 U.S.C. 3731	11, 12
28 U.S.C. 1292	11
28 U.S.C. 1651(a)	6

In the Supreme Court of the United States

OCTOBER TERM, 1972

No. 72-307

ANTHONY JOSEPH RUSSO, JR. AND DANIEL ELLSBERG,
PETITIONERS

v.

WM. MATTHEW BYRNE, JR., JUDGE OF THE UNITED
STATES DISTRICT COURT FOR THE CENTRAL DISTRICT
OF CALIFORNIA

*ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED
STATES COURT OF APPEALS FOR THE NINTH CIRCUIT*

BRIEF FOR THE RESPONDENT IN OPPOSITION

OPINIONS BELOW

The opinions of the court of appeals (Pet. App. A), of the district court (Pet. App. B), and of Mr. Justice Douglas (staying petitioners' trial pending their petition for certiorari) (Pet. App. C) are not reported.

JURISDICTION

The judgment of the court of appeals denying the petition for a writ of mandamus was entered on July 27, 1972. The petition for a writ of certiorari was filed on August 23, 1972. The jurisdiction of this Court is invoked under 28 U.S.C. 1254(1).

(1)

QUESTIONS PRESENTED

1. Whether the extraordinary writ of mandamus should have been granted to provide appellate review of an interlocutory order denying a defense discovery motion, when (1) the jury had been sworn, (2) the request for extraordinary review interrupted the criminal trial, (3) the district court had found the requested information utterly unrelated to the case or to any of the defendants' constitutional rights, and (4) there was no reason why review could not await appeal from the final judgment, if there were a conviction.

2. Whether the trial judge, on the facts of this case, followed acceptable procedure in determining *ex parte* and *in camera* that the overhearing of a single conversation of a defense lawyer or consultant in the course of a foreign intelligence electronic surveillance not directed at petitioners or their lawyers or consultants was utterly unrelated to petitioners' Fourth Amendment rights, to their attorney-client relationships, or to this case, and thus that disclosure was not warranted.

STATEMENT

Under an indictment filed in the United States District Court for the Central District of California on December 29, 1971, petitioners were charged with misappropriation of government property, improper disclosure of defense information, and conspiracy, in violation of 18 U.S.C. 641, 793 and 371.¹ The charges

¹ A prior indictment naming only petitioner Ellsberg, which the present indictment superseded, had been returned on June 28, 1971.

relate to the obtaining and disclosing of classified documents relating to the Vietnam conflict, known as the Pentagon Papers. After extensive pretrial proceedings, a jury was empanelled and sworn on July 21, 1972. The trial was then stayed by the Court of Appeals for the Ninth Circuit on July 25, 1972, while petitioners sought a writ of mandamus to review a ruling of the district court which found that a conversation of one of the "defense team" (a lawyer or consultant), which had been intercepted during the course of a foreign intelligence surveillance, involved "an event that is utterly without significance or relation in any way to this case" (Pet. App. B 5a). Although the court of appeals unanimously agreed with this finding and refused to grant mandamus, resumption of the trial has been stayed since then pursuant to an order of Mr. Justice Douglas issued on July 29, 1972.

1. The relevant facts are these. On May 2, 1972, the trial court heard oral argument and granted petitioners' motion for an order requiring the government to disclose to them the logs of any electronic surveillance of any conversation to which either petitioner was a party. It further ordered the disclosure to the court *in camera* of the logs of any surveillance of any attorney of record for the petitioners or of certain agents or employees of the attorneys (Tr. 131).² The possibility of *in camera* disclosure was suggested by

² "Tr." refers to the transcript of the pretrial proceedings in the district court beginning on May 2, 1972.

petitioners' counsel (Tr. 134).³ The district court, however, instructed the government to await the entry of a written order before making the necessary file search because of anticipated differences between the oral announcement and the written order (Tr. 142).

On May 22, 1972, prior to the entry of the written discovery order, the government filed a sworn affidavit, executed by its chief trial counsel, stating that he was not aware of any electronic surveillance of any of the defense attorneys or any of their employees or agents. On this basis, the government also asked the district court to modify its previous oral order requiring a search of government records to determine whether any conversations of attorneys, agents, or employees had been obtained as a result of electronic surveillance.

The motion was heard by the trial court on June 20, 1972, when the court was orally advised that the search of government surveillance records required with respect to the petitioners was complete, and that the results were negative (Tr. 670). The government pointed out that the previous order set no date limitation on the period of required search for possible overhearings of attorneys or their agents or employees (Tr. 662). The court was also advised that the defense had not yet identified the employees or agents they believed should be covered (Tr. 665-669), and the court directed the defense to file a document listing the names and addresses and duties of the employees

³ During the discussion of the procedure to be followed in the event any conversations were found to have been monitored, petitioner's counsel advised the court (Tr. 134): "I believe there is one case that allows for an in camera inspection by the Court."

and agents, and the dates of commencement of each relationship, so that the government could contest inclusion of particular names in the written order that was to be entered (Tr. 690-691).⁴

On June 27, the defense submitted its list, but the list filed at that time did not include a statement of the functions of the employees or agents or the dates of their association with the case, as the district court had required. Ruling on June 29, 1972, that petitioners had not complied with his order to submit appropriate information, the court commented: "I can't complete the order until I have the names and times" (Tr. 1641). By July 6, 1972, a written statement of the duties of the agents or employees still had not been submitted, and at that time the district court allowed the defense to state orally the nature of the employees' functions (Tr. 1998-2000). The district court's written order, issued the next day, specified the persons, places and dates required to be covered by the government's search for possible electronic surveillance of defense attorneys, employees, or agents. The court also ordered that the results of the search be filed by July 21, 1972. The order required the government to search the files of eight federal agencies for records of possible overhearings, during as much as the prior nineteen months, of sixteen individuals, using twenty-six addresses, and involving more than forty telephones.

⁴ The district court later refused to include several attorneys petitioners listed when the order was entered (Tr. 1717-1719).

On July 21, 1972, as directed, a sworn affidavit was filed by the chief government attorney. The affidavit stated that the file search had been made and that (1) there had been no electronic surveillance directed at the listed individuals, (2) there had been no surveillance at the listed premises, and (3) there had been no overhearing of the oral or wire communications of any of the listed persons "except as may hereafter be disclosed to the Court *in camera* pursuant to the Court's order of May 2" providing for *in camera* disclosure. Later that day the government filed with the court *in camera* the log of a single overhearing of a conversation involving one of the listed persons as the result of a call made from a place under surveillance.

Petitioners moved for disclosure of this log. On July 25, 1972, the district court, after examining the log *in camera*, denied disclosure of the log and declined to permit a pretrial adversary hearing on its possible relevance to the case. It held that the intercepted conversation "regards an event that is utterly without significance or relation in any way to this case" and "[N]othing said in the intercepted communication could conceivably come within the attorney-client privilege." (Pet. App. B 5a-6a.)

2. While the various motions were being filed, argued, and decided, the long process of selecting a jury continued. By July 21, the jury had been selected and sworn, and opening statements to the jury were scheduled for July 26. Petitioners nevertheless applied to the court of appeals for a writ of mandamus pursuant to 28 U.S.C. 1651(a) to review the district court's

order, and on July 26 obtained a stay of the trial. A hearing was held by the court of appeals on July 26, and the court unanimously denied the writ on July 27, vacating the stay (Pet. App. A). Thereafter, an application for a stay was made to Mr. Justice Douglas as Circuit Justice, and on July 29, 1972, he granted a stay of the trial pending disposition of a petition for certiorari (Pet. App. C). The government's application to the full Court to vacate the stay was denied on August 5, 1972. This criminal trial, already begun by the swearing of the jury, has remained in suspension since late July while petitioners seek review of the denial of their discovery motion.

ARGUMENT

Petitioners now seek further appellate review of an order of the district court, entered after the commencement of their criminal trial, which determined that a single overhearing of a lawyer or consultant in the course of a foreign intelligence surveillance was utterly unrelated to the attorney-client relationship or to any other constitutional rights of petitioners and could not possibly taint the evidence to be adduced by the government in this case. The court of appeals has agreed that the overhearing could not conceivably have any relationship to petitioners, in refusing to issue a writ of mandamus to grant them access to the log and a hearing on its relevance. Petitioners' principal claim is that the trial judge erred in the procedure he followed in making that determination. But this claim—to the extent it does not become moot as a consequence of further trial proceedings—should not be subject to

review in what is actually an interlocutory appeal in a criminal case.⁵

1. The law is settled that "[t]he correctness of a trial court's rejection even of a constitutional claim made by the accused in the process of prosecution must await his conviction before its reconsideration by an appellate tribunal." *Cobbledick v. United States*, 309 U.S. 323, 325-326; *Cogen v. United States*, 278 U.S. 221; cf. *Will v. United States*, 389 U.S. 90, 96.

The requirement of finality as a condition of review "is an historic characteristic of federal appellate procedure" and "has been departed from only when observance of it would practically defeat the right to review at all." *Cobbledick v. United States*, *supra*, 309 U.S. at 324-325. As Mr. Justice Frankfurter wrote for a unanimous Court in *Cobbledick*, 309 U.S. at 325:

⁵ The petition also seeks to raise a question that is in no sense properly presented by this record. Petitioners urge the Court to consider the question expressly left open in *United States v. United States District Court*, 407 U.S. 297, whether electronic surveillance in foreign intelligence collection may lawfully be conducted without judicial warrant and, if so, whether the government may use the fruits of such a surveillance in a criminal prosecution (Pet. 2, 14-17). The legality of the foreign intelligence surveillance involved in this case was neither raised in nor considered by the courts below. Nor is the government seeking "the use of its fruits" (Pet. 2) in this case, and neither court below had occasion to consider whether any such attempt would be proper. Rather, the courts ruled that, since the intercepted conversation had absolutely nothing to do with petitioners, with the attorney-client relationship, or with this case, petitioners lacked standing to gain access to the log or to have a hearing on its relevancy. Thus, even apart from the interlocutory nature of this petition, the lawfulness *vel non* of foreign intelligence electronic surveillance has no bearing on the orders petitioners now want the Court to review.

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Congress from the very beginning has, by forbidding piecemeal disposition on appeal of what for practical purposes is a single controversy, set itself against enfeebling judicial administration. Thereby is avoided the obstruction to just claims that would come from permitting the harassment and cost of a succession of separate appeals from the various rulings to which a litigation may give rise, from its initiation to entry of judgment. To be effective, judicial administration must not be leaden-footed. Its momentum would be arrested by permitting separate reviews of the component elements in a unified cause. These considerations of policy are especially compelling in the administration of criminal justice. * * * An accused is entitled to scrupulous observance of constitutional safeguards. But encouragement of delay is fatal to the vindication of the criminal law. * * *

These considerations apply with even greater force to preclude review of an evidentiary ruling, such as that here, made after the trial has begun and a jury empanelled. The havoc that would be wrought if criminal trials were stayed, while the parties proceeded to seek two levels of appellate review with respect to every objectionable ruling, is illustrated by what has already transpired here. Proceedings in the district court had been going on for some months. Finally, on July 10, 1972, the trial began with the process of selecting a jury. On July 21, 1972, a jury of twelve was empanelled and sworn, and on July 25, 1972, six alternate jurors were selected and sworn. By that time jeopardy had attached. See *United States v. Jorn*,

400 U.S. 470. Opening statements were scheduled for July 26, but the stays obtained by petitioners on July 26 and July 29 have held the trial in suspension for months and, if the writ is granted, the jurors will be held on a leash for many more months. This delay and attendant publicity have substantially increased the likelihood of a mistrial—for which petitioners have now moved (Pet. 5-6). If it becomes necessary to empanel a new jury because of this unnecessary interruption of the trial process, many weeks of the court's time as well as the time of counsel and of the jurors already selected, will have been wasted—and wholly unnecessarily wasted—since, as noted above, the question which petitioners seek to raise remains fully available to them on ordinary appellate review.

The disruptive consequences of petitioners' efforts to seek interlocutory review clearly confirm the validity of Mr. Justice Frankfurter's observation that "[f]or purposes of appellate procedure, finality * * * is not a technical concept of temporal or physical termination. It is the means for achieving a healthy legal system." *Cobbledick v. United States*, *supra*, 309 U.S. at 326.⁶

⁶ Contrary to petitioners' assertion (Pet. 6) that they are in a unique position facing a trial without knowing the details of an electronic surveillance, there is nothing unique about such a status. Allegations that evidence has been tainted by allegedly illegal electronic surveillance have been made in a number of criminal trials. These claims have been treated differently from other suppression applications to the extent that consideration of them has generally been delayed until *after* trial when it becomes clear what evidence the prosecution has relied upon and when the relevance of the wiretap can be more adequately

This long-settled and well-founded policy against interlocutory appeals in criminal cases is so firm that Congress has authorized only narrow exceptions to it. Thus, Congress has authorized the government to appeal interlocutory orders suppressing or excluding evidence, but only because such rulings would not otherwise be subject to review, and has permitted such review only upon certification that the appeal is not taken for delay and that the evidence is a substantial proof of a material fact. See 18 U.S.C. 3731. Compare 28 U.S.C. 1292. In the present case, by contrast, petitioners can preserve their objection to the district court's rulings for appeal from a judgment of conviction—unless, of course, the issue is mooted by dismissal of the charges or acquittal.⁷ And substantial delay in the criminal process has been caused despite the explicit findings of the courts below that the information to which petitioners are demanding access is completely immaterial to the prosecution and to their constitutional interests.

determined. See, e.g., *United States v. Birrell*, 269 F. Supp. 716-717 (S.D.N.Y.); *United States v. Cole*, 325 F. Supp. 763 (S.D.N.Y.), affirmed, Nos. 72-1075-1075, June 6, 1972 (C.A. 2). Indeed, petitioners are in a more favorable position than many defendants who raise eavesdropping claims because they have already secured rulings that there has been no overhearing affecting them, their case, or their constitutional rights.

⁷ This distinguishes the present case from the situation in *United States v. United States District Court*, *supra*, where the government sought mandamus from the court of appeals because that was the only method by which it could obtain appellate review of the district court's pre-trial order directing disclosure of the electronic surveillance.

In addition, the provision for government appeals of suppression orders is expressly made inapplicable to orders "made after the defendant has been put in jeopardy". 18 U.S.C. 3731. Thus, even though the government would have no other opportunity for securing review of the decision, and even if the prosecution would otherwise fail, Congress has adhered to the sound policy that, once the trial has begun, it should proceed without interruption by interlocutory appeals. Apart from the double jeopardy values thereby protected, that policy embodies a principle of sound judicial administration that is equally applicable to rulings the defense wants reviewed by appellate courts during trial.

2. Petitioners may not resort to the extraordinary writ of mandamus to circumvent the fundamental policy considerations which preclude appellate review at this time. "The extraordinary writs * * * may not be used to thwart the congressional policy against piecemeal appeals." *Parr v. United States*, 351 U.S. 513, 520-521; *Will v. United States*, 389 U.S. 90, 96-97. Moreover, considerations of policy aside, it is settled law that mandamus may not be employed to correct mere errors or even gross errors which do not amount "to a 'judicial usurpation' of power." *Bankers Life & Casualty Co. v. Holland*, 346 U.S. 379, 382-383. The Court explicitly held in *Will* (389 U.S. at 98): "this Court has never approved the use of the writ to review an interlocutory procedural order in a criminal case which did not have the effect of a dismissal." Yet it is the procedure followed by the district court

that petitioners want reviewed by mandamus. As Chief Judge Friendly recently explained in *United States v. DiStefano*, Nos. 72-1268, 72-1442, July 17, 1972 (C.A. 2, slip op., p. 4189):

Will v. United States, 389 U.S. 90, 95, 104 (1967), makes plain that mere error, even gross error in a particular case, as distinguished from a calculated and repeated disregard of governing rules, does not suffice to support issuance of the writ. "While the courts have never confined themselves to an arbitrary and technical definition of 'jurisdiction,' it is clear that only exceptional circumstances amounting to a judicial 'usurpation of power' will justify the invocation of this extraordinary remedy . . . Mandamus, it must be remembered, does not 'run the gauntlet of reversible errors.' *Bankers Life & Cas. Co. v. Holland*, 346 U.S. 379, 382 (1953). Its office is not to 'control the decision of the trial court,' but rather merely to confine the lower court to the sphere of its discretionary power. *Id.*, at 383."

3. We, of course, do not concede that any error was committed by the district court in making its determination on the basis of an *in camera* inspection of the log of the wiretap.⁸ As the courts below ruled, the threshold question where a claim of electronic surveillance is raised is one of standing. Petitioners place their primary reliance on *Alderman v. United States*, 394 U.S. 165 (see Pet. 6-11), but that reliance is misplaced. That case involved extensive electronic surveil-

⁸ A copy of the log has been lodged with the Clerk of the Court.

lance of the defendants themselves, and thus they clearly had standing to litigate the legality of the overhearing and, as the Court held, its relevance to the prosecution against them.

The present case, however, involves a single conversation, not of petitioners, but of one of their lawyers or consultants. It comes within the holding of *Tagliavetti v. United States*, 394 U.S. 316, 317, where the Court said: "Nothing in *Alderman* * * * requires an adversary proceeding and full disclosure for resolution of every issue raised by an electronic surveillance." The issue there was whether the defendant had actually been overheard and thus had standing to complain, and the Court held that the proper procedure to resolve that preliminary, although possibly controlling question, was an *ex parte*, *in camera* review of the surveillance logs: "Under the circumstances presented here, we cannot hold that 'the task is too complex, and the margin for error too great, to rely wholly on the *in camera* judgment of the trial court'" (394 U.S. at 317-318)."

Similarly, in *Giordano v. United States*, 394 U.S. 310, 313, the Court held that a determination of the lawfulness of a surveillance "would make disclosure [of the logs] and further proceedings unnecessary."

⁹ Accord: *United States v. Scale*, 461 F. 2d 345 (C.A. 7); *United States v. Kane*, 450 F. 2d 77, 82 (C.A. 5), certiorari denied *sub nom.* *Sklaroff v. United States*, 405 U.S. 920; *Jones v. United States*, 443 F. 2d 822 (C.A. 9); *United States v. Battaglia*, 410 F. 2d 279 (C.A. 7), certiorari denied, 396 U.S. 848; *United States v. Hoffa*, 436 F. 2d 1243 (C.A. 7), certiorari denied, 400 U.S. 1000.

As Justice Stewart pointed out in his concurring opinion, that determination can appropriately be made *ex parte* and *in camera* by the district court (394 U.S. at 314).

In the present case, under *Taglianetti*, the district court properly ruled *ex parte* that no Fourth Amendment interests of the petitioners were involved by the overhearing of someone else at a location in which they had no interest. And although the court did not rule *ex parte* on the legality of the surveillance under the Fourth Amendment, as authorized by *Giordano*, it did rule that there was not even a possible violation of the Sixth Amendment right to counsel. We see no reason why that threshold question, any more than a Fourth Amendment determination, must be made in an adversary hearing. On the contrary, the interests of the government and of third parties in the confidentiality of such interceptions, as recognized in *Taglianetti* and *Giordano*, made it quite appropriate for the district court to ascertain *ex parte* and *in camera* whether the interception related in any way to petitioners or their representation by counsel. Having determined categorically that there is no possible relationship of the conversation to anything petitioners may be legitimately interested in, the court correctly ruled they lacked standing to examine the log.¹⁰

¹⁰ In this criminal proceeding, of course, the only rights that are to be litigated are those of petitioners, the defendants on trial. Alleged violation of any rights of their counsel or consultants that do not bear on this case should not be engrafted onto this criminal trial.

In any event, the most that could possibly be claimed here is that the district court "erred in ruling on matters within * * * [its] jurisdiction. The extraordinary writs [however] do not reach to such cases * * *." *Parr v. United States, supra*, 351 U.S. at 520. To the extent there is any occasion for post conviction appeals, the issue can be properly and adequately preserved for review at that time.

CONCLUSION

Petitioners acknowledge the "unprecedented" posture of the case (Pet. 5). They do not challenge the validity of the principles which preclude appellate review of interlocutory orders. Nor do they question the applicability of those principles to this criminal case. Under these circumstances, we respectfully submit the petition for a writ of certiorari should be denied.

ERWIN N. GRISWOLD,
Solicitor General.

A. WILLIAM OLSON,
Assistant Attorney General.

ROBERT L. KEUCH,
DAVID R. NISSEN,
WILLIAM M. PIATT,
Attorneys.

OCTOBER 1972.

UNITED STATES GOVERNMENT

Memorandum

TO : ACTING DIRECTOR, FBI (65-74060)

DATE: 10/18/72

FROM : SAC, TAMPA (65-363) (P)

SUBJECT: MC LEK
SIO

ReBuairtels, 3/16/72 and 8/31/72.

The 9/20/72 issue of the "Oracle" official publication of the University of South Florida (USF), and the 9/21/72 issue of the "Tampa Times," a daily newspaper published in Tampa, Florida, both carried articles that DANIEL ELLSBERG is scheduled to speak at the University of South Florida (USF) on 11/10/72, at 8:30 PM. His topic will be dealing with the "people's right to know". No further information has appeared in the local press.

[REDACTED] advised that ELLSBERG is scheduled to speak at the USF Gymnasium on 11/10/72, at 8:30 PM.

Physical observation of the gymnasium reflects a built in public address system with many speakers spaced throughout the audience area.

Bureau authority is requested to have an SA present at this speech, noting that a recent appearance in this same gymnasium by poet ALLEN GINSBERG drew a crowd of approximately one thousand.

Bureau authority is further requested to obtain a copy of ELLSBERG's speech and "off the cuff" remarks through [REDACTED]

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REC-63

Airtel

1 - Mr. J. R. Wagoner

To: SAC, Tampa

65-74060-4049

10/30/72

From: Acting Director, FBI

MC LEK
SIO

ReTPlet dated 10/18/72. Single copy enclosed for Los Angeles.

Tampa is authorized to obtain tape recording of Ellsberg's scheduled speech at the University of South Florida. Tampa is also authorized to have a Special Agent present at the speech, however, the Agent utilized should not be known on the campus of the University of South Florida. Both of the authorizations are contingent upon whether this coverage can be handled with full security assured.

Submit results to Bureau and Los Angeles in accordance with instructions set forth in Bureau airtels to Albany and all offices 3/16/72 and 8/31/72.

1 - Los Angeles (Enc. - 1)

1 - 134-20645

JRW:bl

(6)

NOTE:

Daniel Ellsberg, subject of the Pentagon papers case, is scheduled to speak in the gymnasium at the University of South Florida on 11/10/72. Department has previously requested that where feasible speeches of Ellsberg be recorded and/or physically covered in order to obtain any information which could be utilized in cross examination of Ellsberg should he take the stand in forthcoming trial. [redacted] being utilized by Tampa is a Bureau approved [redacted]

MAILED 20

OCT 31 1972

FBI

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ST-114

RA
Assistant Attorney General
Internal Security Division

Acting Director, FBI

REC-47

October 26, 1972

65-74060-4050
1 - Mr. Miller
1 - Mr. Dalbey
1 - Mr. Williamson

DANIEL ELLSBERG, et al. v.
JOHN N. MITCHELL, et al.
(D. D. C.) CIVIL ACTION NO. 1879-72

Pursuant to the request contained in your letter of September 22, 1972, enclosed is a memorandum bearing the same caption dated October 18, 1972, which contains certain factual information relative to captioned case. U

In answering the complaint, we suggest that the allegations relating to the identities of the plaintiffs and defendants contained in paragraphs 1 and 2 can be admitted. U

The jurisdictional allegations contained in paragraph 3 of the complaint can be denied. U

Paragraphs 4, 5, and 6 of the complaint concern matters handled by Government counsel during the proceedings in United States v. Russo and while the allegations appear substantially correct, no answer to them is being suggested. U

The information necessary to respond to the allegations in paragraph 7 of the complaint is contained in the memorandum enclosed herewith. U

Paragraphs 8 and 9 of the complaint which allege that the electronic surveillances conducted herein are illegal should be denied. U

The factual information necessary to respond to plaintiffs' interrogatories is contained in the enclosed memorandum. U

JLW:deh

(6) B T

SEE NOTE PAGE TWO

SECRET MATERIAL ATTACHED

OCT 26 1972

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Jenkins _____
Marshall _____
Miller, E.S. _____
Ponder _____
Soyars _____
Walters _____
Tele. Rm. _____
Mr. King _____
Mr. Armstrong _____
Ms. Herwig _____
Mrs. Neenan _____

Assistant Attorney General
Internal Security Division

We would suggest that the following defenses be raised: lack of jurisdiction over the subject matter, lack of standing on the part of the plaintiffs, and that the complaint fails to state a claim upon which relief can be granted. In addition, the defenses of official and sovereign immunity appear to be appropriate in this case. (V)

Enclosure

NOTE: Daniel Ellsberg, Anthony Joseph Russo, Jr., and 17 others have filed a civil action in U.S. District Court, Washington, D.C., for damages arising from electronic surveillances which they allege were illegal. The Department is being furnished with the results of our Elsur check on plaintiffs so they may respond to the complaint and interrogatories filed in this civil suit. (V)

SECRET MATERIAL ATTACHED

UNITED STATES GOVERNMENT

Memorandum

TO : ACTING DIRECTOR, FBI (65-74060)

DATE: 10/31/72

FROM : SAC, SAVANNAH (65-1229) (P)

SUBJECT: MC LEK
SIO

Re Bureau Airtel 8/31/72.

The facts relating to captioned matter have again been furnished to all Agents of the Savannah Office, and no information has been developed to date as a result of their contacts with logical sources to indicate DANIEL ELLSBERG or any of his associates have been active within the Savannah Division.

② - Bureau
2 - Savannah
CMO/shm
(4)

EXP. PROC.

32 NOV 2 1972

ST 100
REC-75

65-74060-4054

14 NOV 1972

SPEC. INV. OFFICE



97 NOV 8 1972

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

F B I

Date: 11/1/72

Transmit the following in _____
(Type in plaintext or code)

AIRTEL

Via _____
(Priority)TO : ACTING DIRECTOR, FBI (65-74060)
(ATT: DID)

FROM : SAC, NEW YORK (65-25641)

SUBJECT: MC LEK; SIO

_____ made available a copy of,
the publication entitled "A Pentagon Papers Digest" written
by Indochina Information Project and distributed by the
Indochina Peace Campaign, P.O. Box 24651, Los Angeles,
California 90024, and Room 523, 156 Fifth Ave., NY, NY 10010.

This publication is enclosed herewith for information
of Bureau.

ST 100

REC-75

65 74060-4056

ENCLOSURE ATTACHED

2-Bureau (Enc. 1) (RM)
1-New YorkTJD:kxb
(4)11-6-72
10-NOV-3 1972

97 NOV 8 1972

Approved: _____

Special Agent in Charge

Sent _____

M

Per _____

65-74060-4056

PENTAGON PAPERS DIGEST



Indochina
Information
Project

A PENTAGON PAPERS DIGEST

Distributed by the Indochina Peace Campaign

Room 523
156 Fifth Ave.
New York, New York
10010

P.O. Box 24C51
Los Angeles,
California
90024

212-255-0726

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Written and researched by

Indochina Information Project

Jill Rodewald
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Terry Poxon
Kim Shanley
Drew Bonthius
Mike Picker
Mark Thompson
Tom Hayden



THE PENTAGON PAPERS: WHAT ARE THEY?

The Pentagon Papers are comparable to the Nazi documents which the allies captured at the end of World War II. The exposure of the Pentagon Papers is the first time in history that a citizen of a great state has made his government's archives available to the citizens of their country. The papers cover the history of the United States involvement in Vietnam from World War II to May, 1968. The Pentagon Papers, however, are not complete and they were not written from an anti-war perspective. They are the documents of people who run the U.S. government, Presidents, Cabinet members, ambassadors, and generals; telling what decisions were made and how they were made.

In 1967, Secretary of Defense McNamara commissioned State and Defense Department and research institute intellectuals to write a secret history of the war. McNamara felt that mistakes had been made in the war, and he wanted a total review of the U.S. policies which led to involvement in Vietnam. Thirty-six anonymous authors (many from the Rand Corporation) wrote a narrative analysis of the documents.

The Rand Corporation was established in 1948 as an independent corporation to act as a "think tank." Today, over 50% of its funds come from the Air Force. It functions as a clearing house for ideas about conducting the Cold War, and the research done there ranges from technical studies on nuclear weapons to political studies on counter-insurgency.

Daniel Ellsberg was one of the Pentagon Papers' authors who worked at Rand. Previously he had served the U.S. in Vietnam in the mid-sixties as a counter-insurgency and pacification expert. At one point he was a special assistant to the "Ugly American," General Lansdale. Tony Russo also worked at Rand. He did government studies on the effects of chemical sprays on rice crops, and participated as an interviewer of NLF prisoners in South Vietnam as part of a "Vietcong Motivation and Morale" study. This research was used by the Air Force and President Johnson to justify the bombing campaign against North Vietnam from 1965-1968. Russo and Ellsberg now stand charged with taking the Pentagon Papers from Rand, duplicating them and making them available to the Senate and New York Times. They face a maximum of 150 years imprisonment on charges of conspiracy, theft, and violation of the Espionage Act. The New York Times was just recently awarded the Pulitzer Prize for the publication of the papers.

THE PENTAGON PAPERS: WHAT DO THEY SAY?

Why Are We In Vietnam?

After the second World War, the old imperial system began to show signs of cracking under the pressure of nationalist forces indigenous to colonial areas. With the devastation created by the war, the European nations were no longer capable of holding their colonial territories. The U.S. stepped into this power vacuum to supervise this period of de-colonization and prevent this "de-stabilized" system from succumbing to any type of nationalist movement, i.e. communist, that would be counter to Western interests. This new policy, popularly known as the Truman Doctrine or "containment", was to form the ideological cover for the two major premises of U.S. foreign policy since World War II: expansionism and counter-revolution. The policy of U.S. economic expansion into the third world and the replacement of the British as the new head of the international capitalist system, was already bringing the U.S. into conflict with Japanese imperialist ambitions in 1941.

"Make clear the fact that the occupation of Indochina by Japan possibly means one further step to seizing control of the South Sea Area, including trade routes of supreme importance to the United States, controlling such products as rubber, tin, and other commodities. This was of vital concern to the United States. The Secretary said that if we did not bring out this point our people will not understand the significance of this move into Indochina."

Memo of conversation by Sumner Welles, acting Secretary of State, July 24, 1941. Vietnam and the U.S.; 1940-1950. p. A-11

The U.S. had to endorse a counter-revolutionary policy when it decided to become the leader of the international capitalist system (free world) that was crumbling under the pressure of revolutionary nationalist movement.

"At each key decisional point at which the President could have influenced the course of events toward trusteeship--in relations with the U.S., in casting the United Nations Charter; in instructions to allied commanders--he declined to do so; hence, despite his lip service to trusteeship and anti-colonialism, F.D.R. in fact assigned to Indochina a status correlative to Burma, Malaya, Singapore, and Indonesia; free territory to be

reconquered and returned to its former owners. Non-intervention by the U.S. on behalf of the Vietnamese was tantamount to acceptance of the French return."

Indochina in U.S. Wartime Policy,
1941-1945, G.E.,* Vol. I, p.2

This policy called for the U.S. to restore the economic viability of the Colonial powers (Marshall Plan), and aid them in regaining control of their colonial territories which had been lost during the course of World War II.- The U.S. was concerned not only for its own interests but the broader interests of its junior partners in the new capitalist system envisioned by U.S. leaders. It is in this perspective, counter-revolution and expansionism, that we must see the U.S. aid to France in their attempt to suppress the revolutionary nationalistic forces of the Vietminh and to restore Indochina as a French colony.

"Should Indochina be lost to the Communists and in the absence of an immediate and effective counteraction by the free world (which would of necessity be on a much greater scale than that required to be decisive in Indochina), the conquest of the remainder of Southeast Asia would inevitably follow. Thereafter, longer term results, probably forcing Japan into an accommodation with the communist bloc, and threatening the stability and security of Europe, could be expected to ensue."

Memorandum for the Special Committee
G.E., Vol. I, p. 452

At this point we see the beginnings of the "domino theory" which has been used in various forms by all the U.S. administrations to rationalize the escalation of the Vietnam War. The U.S. aid in the French attempt to suppress the Vietnamese revolution was only part of a much broader policy of counter-revolution in the third world.

"The loss of any of the countries of Southeast Asia to communist control as a consequence of overt or covert Chinese Communist aggression would have critical psychological, political and economic consequences. In the absence of effective and timely counteraction, the loss of any single country would probably lead to relatively swift submission to or an alignment with communism by the remaining countries of this group.

Furthermore, an alignment with communism of the rest of Southeast Asia and India, and in the longer term, of the Middle East (with the probable exceptions of at least Pakistan and Turkey) would in all probability progressively follow. Such widespread alignment would endanger the stability and security of Europe."

National Security Council Memorandum,
June 25, 1952, G.E., Vol. I, p. 385

As it became increasingly clear to top U.S. officials that the French were losing the war to reconquer Indochina, the government began to prepare the public for direct U.S. intervention.

"Make clear to the American people the importance of Southeast Asia to the security of the United States so that they may be prepared for any of the courses of action proposed herein."

NSC Memorandum, June 25, 1952,
G.E., Vol. I, p. 387

The Pentagon Papers make it clear that top U.S. officials considered the loss of Indochina to indigenous communist forces as a devastating psychological blow to their grand strategy of insuring that the third world remained within the capitalist system.

"On the one hand, the Americans wanted to use their influence to ensure that the French not sell out Western interests for the sake of a quick settlement; on the other, they were determined not to become so involved in the bargaining process as to link the Administration to the final terms."

G.E., Vol. I, p. 113

The intervention in the 1950's, the escalation of the war in 1964, and the continuation of the war today, are predicated on two major theories--the domino theory and the concept of credibility. Once the Indochina War was Americanized, once the most powerful country in the world (as U.S. leaders are so quick to remind us) had pledged itself to defeating a revolutionary guerrilla movement, admitting defeat would entail a tremendous loss of face and credibility.

There are dozens of corrupt and unpopular U.S. client states which are ultimately dependent on the dominating presence of

U.S. military power to protect their governments from internal revolution. A loss in Vietnam could mean that these elites could no longer depend on the U.S. to intervene in what the U.S. public would see as a repeat of our Vietnam experience.

"It is essential - however badly SEA may go over the next 2-4 years - that U.S. emerge as a 'good doctor'. We must have kept promises, been tough, taken risks, gotten bloodied, and hurt the enemy very badly. We must avoid appearances which will affect judgements by, and provide pretexts to, other nations regarding U.S. power, resolve and competence, and regarding how the U.S. will behave in future cases of particular interest to those nations. The questions will be: . . .

c. Is the U.S. hobbled by restraints which might be relevant in future cases (fear of illegality of UN or neutral reaction, of domestic pressures, of U.S. losses, of deploying U.S. ground forces in Asia, of war with China or Russia, of use of nuclear weapons, etc.)?"

Draft Memorandum from John McNaughton
G.E., Vol. III, pp. 582-583

What happens to the U.S. guarantee to these client states when it becomes to all the world that even the "most powerful country in the world" is vulnerable to a popularly supported revolutionary movement? This is the real meaning behind the terms "domino theory" and "credibility", and Nixon's statements about the U.S. becoming a second-rate power in the world. The domino theory is not so much a physical model for the collapse of the "free world", as it is a psychological model for third world revolution against the control and manipulation of the U.S. and its capitalist allies.

"To get closer to an answer, McNaughton began by restating U.S. objectives in Vietnam, and by attempting to weigh those objectives by their relative importance:

- 70%---To avoid a humiliating defeat (to our reputation as a guarantor).
- 20%---To keep SVN (and then adjacent territory) from Chinese hands.
- 10%---To permit the people of SVN to enjoy a better, freer way of life.

ALSO---To emerge from crisis without unacceptable taint from methods used.

NOT ---To 'help a friend', although it would be hard to stay in if asked out."

G.E., Vol. 3, pp. 348-349

Vietnam was proclaimed by U.S. officials to be the test case of the American policy to suppress social revolution in the third world and U.S. presidents of both political parties have been ready to guarantee the success of that policy. Despite massive domestic protest, and at the very real risk of the complete destruction of Vietnam, the U.S. continues to wage its war against the Vietnamese struggle for independence.

THE UNITED STATES IS THE AGGRESSOR

The Pentagon Papers give conclusive evidence that the U.S. is, in fact, the aggressor in Vietnam. During the late 1940's and early 1950's, the U.S. supported the French against the Vietnamese people's fight for independence.

"...telegram from an American diplomat in Hanoi, received in Washington 27 Feb. 1946:

Ho Chi Minh handed me 2 letters addressed to President of USA, China, Russia, and Britain identical copies of which were stated to have been forwarded to other governments named. In 2 letters to Ho Chi Minh request (sic) USA as one of United Nations to support idea of Annamese independence according to Philippines (sic) example, to examine the case of the Annamese, and to take steps necessary to maintenance of world peace which is being endangered by French efforts to reconquer Indochina."

"There is no record that the U.S. encouraged Ho Chi Minh thus to submit his cause to the U.S., (U.N.) beyond the O.S.S. support he received during and immediately after World War II; nor does the record reflect that the U.S. responded affirmatively to Ho's petitions. Rather, the U.S. Government appears to have adhered uniformly to a policy of looking to the French rather than to Vietnamese Nationalists for constructive steps toward Vietnamese independence."

G.E., Vol. I, p. 20



"U.S. assistance, which began modestly with \$10 million in 1950, reached \$1,063 million in fiscal year 1954, at which time it accounted for 78% of the French war burden."

G.E., Vol. I, p. 77

Furthermore, the U.S. expected the French to win.

"The temptation to 'go along' with the French until the Viet Minh were defeated was all the more attractive because of the expectation of victory which pervaded official Washington. Before Dien Bien Phu General O'Daniel consistently reported that victory was within reach if the United States continued its support."

G.E., Vol. I, p. 79

When it became apparent that the French were losing despite our aid, France wanted to come to the negotiating table. However, the U.S. tried to prevent this.

"U.S. policy was to steer the French away from negotiations because of the fear that Indochina would thereby be handed over to the Communist 'empire.'"

G.E., Vol. I, p. 56

But the matter was brought to Geneva where the U.S. had to plot a tricky course.

"On the one hand, the Americans wanted to use their influence to ensure that the French not sell out Western interests for the sake of a quick settlement; on the other, they were determined not to become so involved in the bargaining process as to link the Administration to the final terms."

By not actually signing the Geneva Accords, the U.S. government wanted to have a freer hand in the future for whatever course of action it decided to take in Indochina.

"Thus, both publicly and privately, Administration leaders indicated at the outset of the conference that the United States would divorce itself from any settlement that resulted in less than a complete French-Vietnamese victory."

G.E., Vol. I, p. 117

The National Security Council decided the Geneva Accords were a disaster because the Council had wanted nothing short of victory, and therefore, immediately began to plan for actions in Southeast Asia.

"3. In brief, this paper concludes that from the point of view of the U.S. strategic position in Asia, and indeed throughout the world, no solution to the Indochina problem short of victory is acceptable. It recommends that this be the basis for the U.S. negotiating position prior to and at the Geneva Conference."

Memo for the Special Committee, NSC
(March 17, 1954) G.E. Vol. I, p. 451

The Geneva Accords, which the U.S. did agree to adhere to, temporarily divided Vietnam, at the 17th parallel, into two regroupment zones; the French in the south and the Vietminh in the north. The Accords stipulated that there should be full civil liberties for peaceful, legal, political activity in both zones. They called for a conference in 1955 which was to set up the apparatus and conditions for the intended elections to reunify the country in 1956. From the very beginning, the U.S. was working to undermine this peace settlement.

"The Saigon Military Mission (SMM) was born in a Washington policy meeting early in 1954, when Dien Bien Phu was still holding out against the encircling Vietminh. The SMM was to enter into Vietnam quietly and assist the Vietnamese who sided with the French, rather than the French, in unconventional warfare. The French were to be kept as friendly allies in the process, as far as possible. The broad mission for the team was to undertake paramilitary operations against the enemy and to wage political-psychological warfare. Later, after Geneva, the mission was modified to prepare the means for undertaking paramilitary operations in Communist areas rather than to wage unconventional warfare"

Lansdale Team's Report on Covert Saigon Mission in 1954 and 1955. G.E. Vol. I, p. 574

"We had smuggled into Vietnam about eight and a half tons of supplies for the Hao paramilitary group. They included fourteen agent radios, 300 carbines, 90,000 rounds of carbine ammunition, and 300 pounds of explosives. Two

and a half tons were delivered to the Hao agents in Tonkin, while the remainder was cached along the Red River by SMM, with the help of the Navy..."

Lansdale Team's Report on Covert Saigon

Mission in 1954 and 1955. G.E. Vol.I, p.583

"Backed by the United States, Diem refused to open consultation with the North Vietnamese concerning general elections when the date for these fell due in July, 1955."

G.E. Vol. I, p.183

"While it is obviously impossible to make a dependable forecast as to the outcome of a free election, current intelligence leads the Joint Chiefs to the belief that a settlement based upon free elections would be attended by almost certain loss of the Associated States to Communist control."

Joint Chiefs of Staff memorandum, (12 March, 1954)

G.E., Vol. I, p.448

"A draft policy toward all-Vietnam elections finally produced in May, 1955, held that to give no impression of blocking elections while avoiding the possibility of losing them, Diem should insist on free elections by secret ballot with strict supervision. Communists in Korea and Germany had rejected these conditions; hopefully the Vietminh would follow suit."

G.E. Vol. I, p.239

"Dulles liked this idea. His view was: 'While we should certainly take no positive step to speed up present process of decay of Geneva Accords, neither should we make the slightest effort to infuse life into them.' But France was never able to meet Geneva obligations concerning the elections of 1956, for Diem matched his refusal to consult with the Vietminh about elections with an adamant refusal to ever hold them. Neither Britain nor the Soviet Union pressed the matter; the United States backed Diem's position."

G.E. Vol.I, p.241

"Finally, in this review of factors that would affect policy-making on Vietnam, we must note that South Vietnam, (unlike any of the other countries in Southeast Asia) was essentially the creation of the United States.

Without U.S. support Diem almost certainly could not have consolidated his hold on the South during 1955 and 1956. Without the threat of U.S. intervention, South Vietnam could not have refused to even discuss the elections called for in 1956, under the Geneva settlement without being immediately overrun by the Vietminh armies. Without U.S. aid in the years following, the Diem regime certainly, and an independent South Vietnam almost as certainly, could not have survived."

G.E. Vol. II, p.22

Thus, the U.S. was going down the same path the French had in seeking a nationalist alternative to the Vietminh. Diem was a ruthless dictator who carried out his repressive acts with the complete knowledge and consent of the U.S.

"The Embassy looked the other way from repressive police measures and political arrests unless these led to embarrassing press stories; and when the Ambassador would raise this type of issue with the GVN, it proved always to be touchy. Especially under Lodge, the Embassy tried to protect GVN from the press and to help it build a favorable image."

Vol. IV, C.9(b), U.S.-GVN Relations: 1963-'67,
Part II, p. vi, Government Printing Office

"U.S. determination to back Diem was made with the knowledge that French support for him was hardly enthusiastic. Guy La Chambre, Minister for the Associated States, faulted Diem on three essential points: Diem would oppose a representative government, oppose agrarian reform and refuse to depose Bao Dai and create a republic. La Chambre expected a new government would be necessary to give South Vietnam a chance of winning the 1956 elections."

G.E. Vol. I, p.214

"But enough evidence has now accumulated to establish that peasant resentment against Diem was extensive and well founded. Moreover, it is clear that dislike of the Diem government was coupled with resentment toward Americans. For many Vietnamese peasants, the War of Resistance against French-Bao Dai rule never ended; France was merely replaced by the U.S., and Bao Dai's mantle was transferred to Ngo Dinh Diem."

G.E. Vol. I, p. 252

"Diem's whole rural policy furnishes one example after another of political maladroitness."

G.E. Vol. I, p. 253

"Diem's reform package compared unfavorably even in theory with what the Vietminh had done by way of rural reform.

As it turned out, only 10% of all tenant farmers benefited in any sense. By 1959, the land reform program was virtually inoperative. As of 1960, 45% of the land remained concentrated in the hands of 2% of landowners, and 15% of the landlords owned 75% of all the land."

G.E. Vol. I, p. 254

"Diem's nearly paranoid preoccupation with security influenced his population relocation schemes. Even the refugee relief programs had been executed with an eye to building a 'living wall' between the lowland centers of population and the jungle and mountain redoubts of dissidents. Between April 1957 and late 1961, the GVN reported that over 200,000 persons-refugees and landless families from coastal Annam were resettled in 147 centers carved from 220,000 acres of wilderness."

G.E. Vol. I, p. 255

"Nor was Ngo Dinh Diem successful in exercising effective leadership over the Vietnamese urban population or its intellectuals.

In late 1957, newspapers critical of the regime began to be harassed, and in March 1958, after a caustic editorial, the GVN closed down the largest newspaper in Saigon. Attempts to form opposition political parties for participation in the national assembly met vague threats and bureaucratic impediments. In 1956, opposition politicians risked arrest for assaying to form parties unauthorized by Nhu or Can, and by 1959 all opposition political activity had come to a halt."

G.E. Vol. I, p. 256

"The chief threat to the viability of President Diem's administration is, without a doubt, the fact of communist insurgency and the government's inability to protect its own people. Thus military measures must have the highest priority. There is,

nevertheless, strong discontent with the government among not only the elite but among peasants, labor, and business. Criticism focuses on the dynastic aspects of the Diem rule, and its clandestine political apparatus, and on the methods through which the President exercises his leadership." (5/6/61)

G.E. Vol. II, pp. 52-3

"The Buddhist crisis in South Vietnam has highlighted and intensified a widespread and long-standing dissatisfaction with the Diem regime and its style of government. If, as is likely, Diem fails to carry out truly and promptly the commitments he has made to the Buddhists, disorders will probably flare again and the chances of a coup or assassination attempts against him will become better than ever." (7/10/63)

G.E. Vol. II, p.739

"The government of newly-created South Vietnam, headed since 1954 by President Diem, had continued resettlement schemes to accommodate displaced persons, to control suspected rural populations, and to safeguard loyal peasants in the threatened areas. None of these efforts involving resettlement had succeeded. Each had inspired antagonism among the peasants who were moved from their ancestral lands and away from family burial plots."

G.E. Vol. II, p. 133

Because of the failure to hold elections and because of the repressive policies of Diem's police state, the oppressed people of Vietnam renewed their struggle for freedom and justice.

"Diem was handicapped in all his attempts to build a nation by his political concepts. He had the extravagant expectations of a Rousseau, and he acted with the zeal of a Spanish Inquisitor."

G.E. Vol. I, p. 253

Despite gloomy reports on the chances of the U.S. winning the war in Vietnam, the U.S. leaders were determined to try.

"Highly placed officials from Washington visited Saigon and, in private conversations, indicated that current estimates led to the conclusion that Vietnam probably would have to be written off as a loss. We admitted that pros-

pects were gloomy, but were positive that there was still a fighting chance." (9/54)

G.E. Vol. I, p. 577

Diem was increasingly opposed not merely by organized guerrilla forces, but by a broad spectrum of the Vietnamese population. From 1961 to 1964 the U.S. sent advisors and Green Berets as part of new counterinsurgency measures developed in 'think tanks' like the Rand Corporation. Nonetheless, the situation was deteriorating rapidly.

"... the internal security situation in South Vietnam has become critical. What amounts to a state of active guerrilla warfare now exists throughout the country. The number of Viet Cong hard-core Communists has increased from 4400 in early 1960 to an estimated 12,000 today. The number of violent incidents per month now averages 650. Casualties on both sides totaled more than 4,500 during the first three months of this year. Fifty-eight percent of the country is under some degree of Communist control, ranging from harassment and night raids to almost complete administrative jurisdiction in the Communist 'secure areas.'"

G.E. Vol. II, p.36

(4/26/61)

The U.S. then helped to overthrow Diem in order to save the war.

"... the American mission in Saigon maintained secret contacts with the plotting generals through one of the Central Intelligence Agency's most experienced and versatile operatives, an Indochina Veteran, Lieut. Col. Lucien Conien. He first landed in Vietnam in 1944 by parachute for the Office of Strategic Services, the wartime forerunners of the CIA.

So trusted by the Vietnamese generals was Colonel Conien that he was in their midst at Vietnamese General Staff Headquarters as they launched the coup."

Bantam Edition of the Pentagon Papers, p.159

"For the military coup d'etat against Ngo Dinh Diem, the U.S. must accept its full share of responsibility. Beginning in August of 1963 we variously authorized, sanctioned and encouraged the coup efforts of the Vietnamese generals and offered full support for a successor government.

In October we cut off aid to Diem in a direct rebuff, giving a green light to the generals. We maintained clandestine contact with them throughout the planning and execution of the coup and sought to review their operational plans and proposed new government. Thus, as the nine-year rule of Diem came to a bloody end, our complicity in his overthrow heightened our responsibilities and our commitment in an essentially leaderless Vietnam."

G.E. Vol. II, p. 207

"The chance of bringing off a general's coup depends on them to some extent; but it depends at least as much on us."

Cable from Ambassador Lodge to Rusk,
August 29, 1963, Bantam Edition, p.197

The overthrow of Diem did not, however, change the general disintegration of the Saigon-American forces.

"Thus, as winter drew to an end in February-March, 1964, it was recognized, as it had never been fully recognized before, that the situation in Vietnam was deteriorating so rapidly that the dimensions and kinds of effort so far invested could not hope to reverse the trend. This was indeed a turning point."

G.E., Vol. III, p.42

The Pentagon Papers give ample evidence that despite our lip service to the principle of democracy, the U.S. was perfectly willing to forgo this ideal in South Vietnam. Diem's government was only the first in a series of dictatorships which we supported.

"The ambassador (Henry Cabot Lodge)...considers that the U.S. not press the new government unduly. He stated that they are in a most delicate state, and are not ready for a system which replaces governments by elective process rather than by violence; that this is beyond their horizon at this time and we should not seek to recreate in Vietnam our image of the democratic ideal."

Honolulu Conference Report, November, 1963,
G.E. Vol. II, p.304

Nor did the installation of the Khanh and Ky regimes change the undemocratic nature of the South Vietnamese government.

"GVN launched its transition to legitimate government on September 11, electing the longpromised Constituent Assembly. Although GVN systematically excluded from the elections all persons connected with the Struggle Movement, and although the Buddhists declared a boycott, the electorate turned out in large numbers and the results gratified the Embassy. State had reservations about the exclusion of Struggle Movement people, but Lodge unreservedly backed this exclusion, on the ground that GVN 'should not be discouraged from taking moderate measures to prevent elections from being used as a vehicle for a Communist takeover of the country.'" (September, 1966)

G.E. Vol. II, p 384

Because the Vietnamese people continued to fight these aggressive regimes, the U.S. had to escalate the war. Thus, in 1965, America began its ground troop involvement in Vietnam. In order to justify this escalation, a pretext such as the Gulf of Tonkin incident had to be instigated. For six months before the Tonkin incident, the U.S. had been mounting clandestine military actions against the North, while planning to get Congressional approval for a resolution that the Administration regarded as equivalent to a declaration of war. The provocation strategy consisted of:

" . . . deliberate attempts to provoke the DRV into taking action which could then be answered by a systematic U.S. air campaign."

Bantam Edition, p.313

Just four days prior to the attack on the U.S.S. Maddox in the Gulf of Tonkin, the U.S. had sponsored raids on the coast of North Vietnam. On the prior night, South Vietnamese coastal patrol forces made a midnight attack, including an amphibious 'commando' raid on Hon Me and Hon Nieu Islands, (about 19 degrees W. latitude).

"On August 2, the destroyer (the U.S.S. Maddox) was intercepted by three North Vietnamese patrol boats. Apparently, these boats and a fleet of junks had moved into the area near the island to search for the attacking force and had mistaken the Maddox for a South Vietnamese escort vessel."

G.E. Vol. III, pp. 183-4

Portrayed in the U.S. as a completely unprovoked attack on U.S. ships, the incident led Congress to approve the Gulf of Tonkin Resolution and opened the gate for U.S. escalation of the war.

This new phase of the war presented new problems to the policy makers.

"The decision you face now, therefore, is crucial. Once large numbers of U.S. troops are committed to direct combat they will begin to take heavy casualties in a war they are ill-equipped to fight in a non-cooperative if not downright hostile countryside.

Once we suffer large casualties we will have started a well-nigh irreversible process. Our involvement will be so great that we cannot--without national humiliation--stop short of achieving our complete objectives. Of the two possibilities I think humiliation would be more likely than the achievement of our objectives--even after we have paid terrible costs."

Under-Secretary of State George Ball
Memorandum to President Johnson, June, 1965
G. E. Vol. IV, p. 22

Throughout the entire Vietnam involvement, the U.S. has publicly proclaimed its willingness to negotiate a peaceful settlement of the war while doing everything privately to undermine any peace settlement that was anything less than U.S. victory.

"B. If, despite all U.S. efforts to the contrary, the French Government elects to accept a negotiated settlement which fails to provide reasonably adequate assurance of the future political and territorial integrity of Indochina, the U.S. should decline to associate itself with such a settlement and should pursue, directly with the governments of the Associated States and with other Allies (notably the U.K.) ways and means of continuing the struggle against the Viet Minh in Indochina without participation of the French."

Memorandum for the President's Special
Committee, March 17, 1954.
G.E. Vol. I, p 453

The U.S. leaders have felt compelled to initiate new public peace offers while secretly planning new escalations of the war.

"Up to this time, the official U.S. position had been unreceptive to negotiations, although the President had paid lipservice to his willingness to 'do anything and go anywhere in the interests of peace.' Past inaction he blamed entirely on Hanoi."

G.E. Vol III, pp. 354-355

"It ought to be possible to explain in Saigon that your mission is precisely for the purpose of knocking down the idea of neutralization wherever it rears its ugly head, and on this point I think that nothing is more important than to stop neutralist talk wherever we can by whatever means we can. I have made this point myself to Mansfield and Lippmann and I expect to use every public opportunity to restate our position firmly. You may want to convey our concern on this point to General Khanh and get his ideas on the best possible joint program to stop such talk in Saigon, in Washington, and in Paris."

President Johnson, March 20, 1964

G.E. Vol. III, p. 511

WHOM ARE WE FIGHTING?

The U.S. has consistently supported a succession of corrupt and unpopular governments while fighting against the forces which have the enthusiastic support of the Vietnamese people. In fact, during World War II, the U.S. had to deal with the Viet Minh because they were the only viable force in Vietnam.

"The American O.S.S. during World War II dealt with the Viet Minh as the sole efficient resistance apparatus within Vietnam, depending upon it for reliable intelligence, and for aid in assisting downed allied pilots."

G.E. Vol. I, pp.44-45

"First, the Viet Minh was the main repository of Vietnamese nationalism and anti-French colonialism. There were other such groups promoting Viet Independence, but none were competitive on a country-wide scale."

G.E. Vol. I, pp.42-43

"Second, the Viet Minh was sufficiently popular and effective to turn itself into a Vietnam-wide government that could have extended its authority throughout the country after World War II -- except for the obstacle of reasserted French power, and, to a lesser degree, of indigenous political opposition in Indochina. The Viet Minh was always more powerful in Tonkin and Annam than in South Vietnam. However, it seems likely that in the absence of the French, the Viet Minh through its governmental creation, the DRV, would have overridden indigenous

tribal, religious, and other opposition in short order."

G.E. Vol. I, p. 43

" . . . when the allies arrived, the Viet Minh were the de facto government in both North and South Vietnam: Ho Chi Minh and his DRV in Hanoi, and the ICP-dominated 'Committee of the South' in Saigon."

G.E. Vol. I, p.45

At the time of Dien Bien Phu, the Viet Minh controlled much of the area of Vietnam.

"In 1954, the Viet Minh controlled some 60 to 90 percent of South Vietnam's villages (by French estimates) and 20 to 40 percent of its territory (by U.S. estimates)."

G.E. Vol. I, p. 295

During Diem's regime, the NLF (Viet Cong) continued to be supported by the majority of the people.

"The Viet Cong also uses non-violent positive means to appeal to the peasantry. Although their tactics vary and depend partly on prevailing local conditions, they have, for example, purchased rather than seized rice and food stuffs in many cases, have taxed the wealthy with effective publicity, and reportedly even distributed land to landless peasants. Even their terrorist acts from time to time have been against harsh, disliked, or corrupt officials. These acts are held out as proof of the Viet Cong's ability to improve the peasant's economic and political lot. Their appeal is enhanced by the peasant's basic distrust of government officials engendered partly by their excessive and harsh implementation of government programs and by the average Vietnamese bureaucrat's belief that he does not serve but is to be served by the people."

Memo to Secretary of State McNamara from
Roger Hilsman, Dec. 3, 1962

G.E. Vol. II, p. 698

"1. Summary. The situation is very disturbing. Current trends, unless reversed in the next 2-3 months, will lead to neutralization at best and more likely to a Communist-controlled state. The

Viet Cong now control very high proportions of the people in certain key provinces, particularly those directly south and west of Saigon. The Strategic Hamlet Program was seriously over-extended in these provinces, and the Viet Cong has been able to destroy many hamlets, while others have been abandoned or in some cases betrayed or pillaged by the government's own Self Defense Corps. In these key provinces, the Viet Cong have destroyed almost all major roads, and are collecting taxes at will." (12/26/63)

G.E. Vol. III, pp. 494-495

The Pentagon Papers make it clear that the growing rebellion in the south was an indigenous movement.

"Although vast majority of Viet Cong troops are of local origin, the infiltration of Viet Cong cadres from North Vietnam via Laos, the demilitarized zone, and by sea appears to be increasing. However, there is little evidence of major supplies from outside sources, most arms apparently being captured or stolen from GVN forces or from the French during the Indochina war." (10/1/61)

G.E. Vol. II, p. 72

"In our enthusiasm to prove outside intervention before world opinion we have unquestionably exaggerated the role of material assistance especially in the main area of insurrection in the far south. That leaders and radio guidance come in we know. But the amount of ammunition and weaponry that a man can carry on his back for several hundred kilometers over jungle trails was not increased appreciably by Marx. No major conflict can depend on such logistic support."

John Kenneth Galbraith, 11/21/61

G.E. Vol. II, p.122

Despite overwhelming evidence demonstrating the popular support for the NLF, the writers of the Pentagon Papers continued to regard its strength as a mystery.

"The ability of the Viet Cong to rebuild their units and to make good their losses is one of the mysteries of this guerrilla war." (11/27/64)

G.E. Vol. III, p. 668



They must call it a mystery because they refuse to recognize that the U.S. is the enemy in a people's war. To the Vietnamese, those who side with the Americans are traitors. Because the people felt this way, the tyranny of the Diem regime had to be continued by succeeding governments.

"...totally useless and impractical hamlets were built with forced labor so that grafters would receive the money allocated to strategic hamlets..."

(Dec. 6, 1963)

G.E. Vol. III, p. 29

"...There were confirmed reports from Corps and Division headquarters of deceased soldiers being kept on the roles as the only means of compensating their families and preventing further deterioration of ARVN and paramilitary morale."

G.E. Vol. III, p. 60

"The effect on the GVN would be even more unfortunate. The Saigon leadership shows no signs of a willingness--let alone an ability--to attract the necessary loyalty or support of the people. It is true that the GVN did not totally collapse during TET, but there is not yet anything like an urgent sense of national unity and purpose. A large influx of additional U.S. forces will intensify the belief of the ruling elite that the U.S. will continue to fight its war while it engages in backroom politics and permits widespread corruption."

ISA Memorandum to President Johnson,
February, 1968

G. E. Vol. IV, p. 564

"By and large, the people in rural areas believe that the GVN when it comes will not stay but that the VC will: that cooperation with the GVN will be punished by the VC; that the GVN is really indifferent to the people's welfare; that the low-level GVN are tools of the local rich; and that the GVN is ridden with corruption."

Secretary of Defense Robert McNamara
Memorandum to President Johnson (7/67)

G.E. Vol. IV, p. 350

"GVN Officials Interests: The primary interest of GVN officials in Bien Hoa Province is money. The lucrative U.S. presence with all the various

service trades that cater to the soldier, have created a virtual gold mine of wealth which is directly or indirectly syphoned off and pocketed by the officials."

MACCORDS Report Covering Bien Hoa Province,
December, 1967
G.E. Vol. II, p. 407.

"On one occasion Premier Ky called Colonel Sam Wilson in for his view of progress there as well as to ask for an evaluation of the ARVN 46th Regiment. Wilson was able to say plainly that the unit was poor and that its commander was ineffective and, without a doubt, corrupt. Ky explained that the commander in question was a close friend of the division commander who was a close friend of the corps commander who was a close friend of Ky. That seemed to explain the matter. (Early 1967)

G.E. Vol. II, p. 399

OUR POLICIES ARE CRIMINAL

When Daniel Ellsberg was interviewed by Walter Cronkite in June, 1971, he talked about the fact that there were no moral considerations at all in the Pentagon Papers.

"In the 7,000-10,000 pages of this study, I don't think there is a line in them that contains an estimate of the likely impact of our policy on the overall casualties among the Vietnamese, or the refugees to be caused, the effects of defoliation in an ecological sense. There's never an estimate nor a calculation of past effects. Ever. The documents simply concern the internal concerns of our officials. That says nothing more nor less than our officials never did concern themselves, certainly in any formal way or in writing, and I think in an informal way either, with the effect of our policies on the Vietnamese." (June, 1971)

There are many examples throughout the Pentagon Papers of Criminal policies the U.S. planners were advocating and using in Vietnam.

"We all accept the will of the DRV as the real target."

G.E. Vol. III, p. 649

"The judgment is that, because North Vietnam's economy and organization is predominantly rural and not highly interdependent, attacks on industrial targets are not likely to contribute either to interdiction or to persuasion of the regime. Strikes at population targets (per se) are likely not only to create a counter-productive wave of revulsion abroad and at home, but greatly to increase the risk of enlarging the war with China and the Soviet Union. Destruction of locks and dams, however--if handled right--might (perhaps after the next Pause) offer promise. It should be studied. Such destruction does not kill or drown people. By shallow-flooding the rice, it leads after time to widespread starvation (more than a million?) unless food is provided--which we could offer to do "at the conference table."

John McNaughton, January, 1966

G.E. Vol. IV, p. 43

"...Part of the reason for ARVN ineffectiveness is lack of supplies and support items (e.g. barbed wire) which the U.S. troops had in ample supply..."

Alain Enthoven, Assistant Sec. of Defense

G.E. Vol. IV, p. 459

In all the discussions about bombing and whether or not it will be effective, there is never any talk about the cost in human lives.

"With regard to the delays of ROLLING THUNDER VI, I have the impression that we may be attaching too much importance to striking target 40 because of its intrinsic military value as a target. If we support the thesis (as I do) that the really important target is the will of the leaders in Hanoi, virtually any target North of the 19th parallel will convey the necessary message at this juncture as well as target 40."

General Maxwell Taylor

G.E. Vol. III, p. 336

"For Porter (William J. Porter, U.S. Deputy Ambassador in Saigon) to Komer (Robert Komer, Johnson's Special Assistant for 'Peaceful Reconstruction'): (We are deeply concerned by the growing number of refugees. Latest reports indicate that as of 31 August, a total of 1,361,288 had been processed....Of course, in some ways, increased flow of refugees is a plus. It helps deprive VC of recruiting potential and rice growers,

and is partly indicative of growing peasant desire to seek security on our side.)"

Robert Komer, late 1966

G.E. Vol. II, p. 569

"Revamp and put new steam behind a coordinated US/GVN intelligence collation and action effort targeted on the VC infrastructure at the critical provincial, district, and village levels. We are just not getting enough payoff yet from the massive intelligence we are increasingly collecting...."

"Step up refugee programs deliberately aimed at depriving the VC of a recruiting base."

Robert Komer, Presidential Advisor,

Memorandum to President Johnson, 4/24/67

G.E. Vol. IV, p. 441

"With the Viet Cong out of the way--at least for the time being--the relocation and construction of the new hamlet commenced. The new program got off to a bad start. The government was able to persuade only seventy families to volunteer for resettlement. The 315 other families in the half dozen settlements were herded forcibly from their homes. Little of the \$300,000 in local currency provided by USOM had reached the peasants; the money was being withheld until the resettled families indicated they would not bolt the new hamlet. Some of them came with most of their meager belongings. Others had little but the clothes on their backs. Their old dwellings--and many of their possessions--were burned behind them. Only 120 males of an age to bear arms were found among the more than 200 families--indicating very clearly that a large number had gone over to the VC, whether by choice or as a result of intimidation."

"Operation Sunrise", Begun March 22, 1962

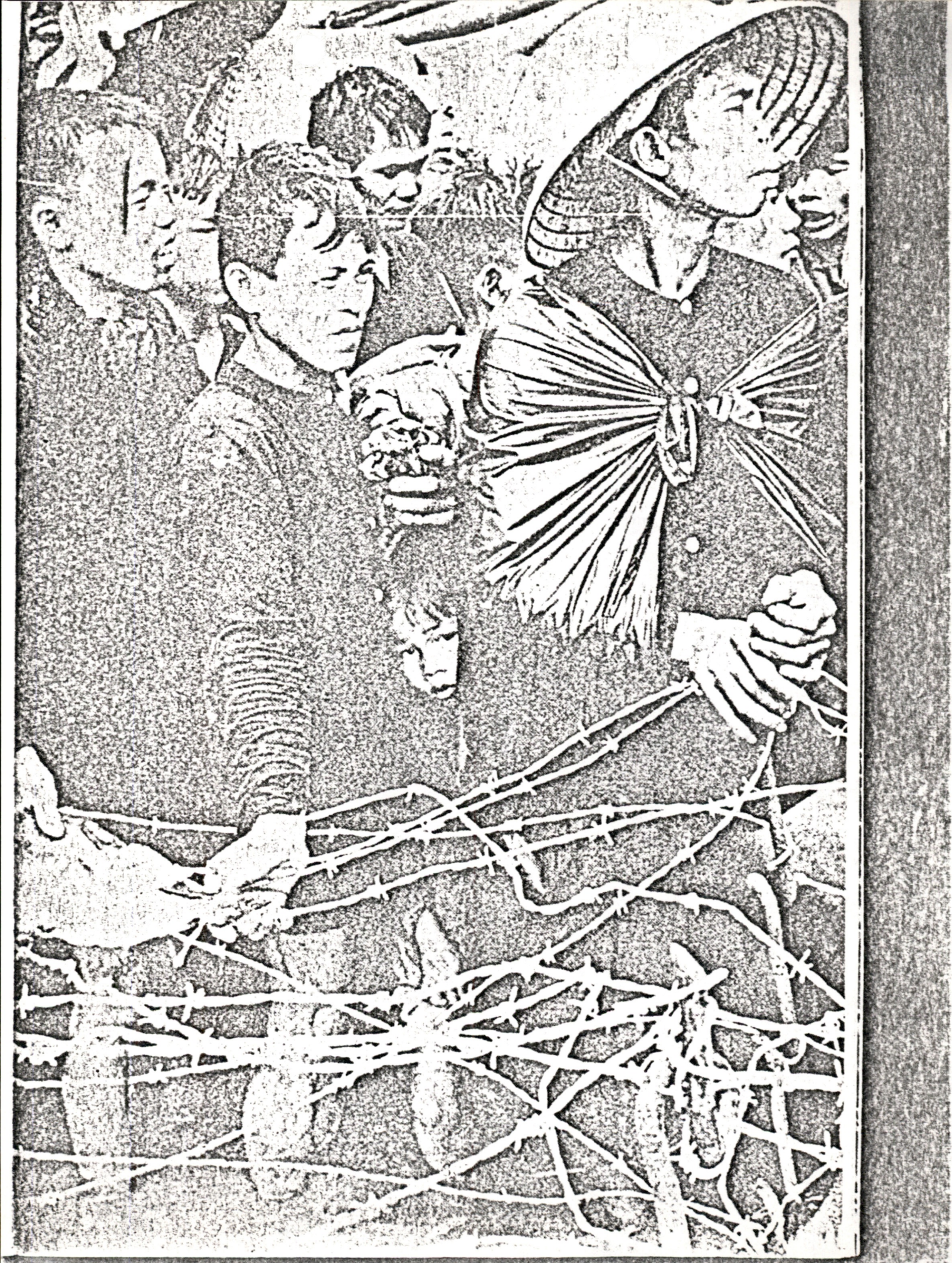
G.E. Vol II, p. 149

"We should stimulate a greater refugee flow through psychological inducements to further decrease the enemy's manpower base. Improve our ability to handle the flow and win the refugees' loyalty."

Memorandum from Nicholas Katzenbach,

Undersecretary of State to President Johnson

G.E. Vol. IV, p. 508



In fact, if the U.S. accepts the "will" of the people as the target, then it seems logical that they must kill as many Vietnamese as they can since the Vietnamese people have shown their willingness to fight to the last man.

"With only a few exceptions, recent reports suggest a continued willingness on the part of the populace to abide by Hanoi's policy on the war. Evidence of determination to persist in support of the war effort continues to be as plentiful in these reports as in the past." The current popular mood might best be characterized, in fact, as one of resolute stoicism with a considerable reservoir of endurance still untapped."

CIA Memorandum, May 1967

G.E. Vol. IV, p. 168

"While bombing might reduce somewhat the level of support for the VC and give the GVN a respite, there was very little likelihood that it would break the will of Hanoi. The estimate was that Hanoi was confident of greater staying power than the U.S. in a contest of attrition."

G.E. Vol. III, p. 114

DECEPTION, PUBLIC RELATIONS AND IMAGE MAKING

The Pentagon Papers describe the decision-making process of the few men in power in the U.S. government. Policies are decided in secret and then kept secret from the American people. The government considers the American people its enemy and therefore treats them as a foreign power which must not be allowed access to the secret decision-making process. A continual public relations campaign must be carried on to deceive the people about the war--to sell the war to them. The American press has been a boon to the government in this job, beginning in the early 1950's, when the French were giving a realistic analysis:

"Till and Peg Durdin of the N.Y. Times, Hank Lieberman of the N.Y. Times, Homer Bigart of the N.Y. Herald-Tribune, John Mecklin of Life-Time, and John Roderick of Associated Press, have been warm friends of SMM and worked hard to penetrate the fabric of French propaganda and give the U.S. an objective account of events in Vietnam. The group met with us at times to analyze objectives and motives of propaganda known to them, meeting at their own request as U.S. citizens. These mature and

responsible news correspondents performed a valuable service for their country"

Lansdale Team's Report on Covert Saigon
Military Mission in 1954 and 1955.
G.E. Vol. I, p. 581

The war had to be given an acceptable image.

"The committee's papers, for instance, sought to popularize military civic action programs and to link them to politically acceptable precedents--such as the U.S. Army's role in the development of the American West."

Draper Committee, 1958-59.
G.E. Vol. II, p. 435

A glance at the Question and Answer booklet on Vietnam points out some of the difficulties in 'selling' the war.

"THE WHITE HOUSE
WASHINGTON"

CONFIDENTIAL

MEMORANDUM TO: Mr. Robert Manning

Subject: Possible problems in the current
form of the Q and A booklet on Vietnam

Yesterday when we agreed to hold up this booklet, I undertook to let you know what parts of it might give us trouble as of now. Obviously, as the situation shifts the problem changes, but the following items occurred to me in a careful reading two days ago:

1. On page 4 in the last paragraph we use some adverbs about the new government that are a little hard to justify this week.
2. On page 9 we describe the military situation as 'stabilized', which seems optimistic.
- On page 10 the discussion of VC military activities seems a trifle dated, and the estimate of the improvement of government forces optimistic.
3. On pages 19-21, questions 21, 22, and 23 might be outdated by decisions in coming weeks. There is no certainty about this, but I doubt if we wish to be pinned to a course from which we might wish to shift.
4. On page 22, I doubt if it is enough to call the M-1 rifle 'adequate'.

5. On page 24, I think the Gulf of Tonkin action should not be quite so sharply separated from possible future operations. I would correct the paragraph by including the possibility of retaliation and counteraction against maritime infiltration, without giving the implication that any such force is definitely agreed on now.

6. In a similar way, on page 25, I think we ought to leave the door a little more open to appropriate action against the north, but a very marginal change would satisfy me."

McGeorge Bundy, 9/4/64

G.E. Vol. III, pp. 559-560

During election years, the task of running the war became a bit more difficult since the public's possible reactions had to be taken into account.

"What prevented action for the time being was a set of tactical considerations. The President was in the midst of an election campaign in which he was presenting himself as the candidate of reason and restraint as opposed to the quixotic Barry Goldwater."

G.E. Vol. III, p. 111

At least one policy maker worried about how to explain the military actions, particularly the raids on North Vietnam, to the American people.

"...it will be necessary to divest MAROPS (Maritime Operations) of their present covert character and, sooner or later, the USG will be obliged to explain its actions to its own people."

G.E. Vol. III, p. 680

Then, there was also the task of re-education in case the government decided to change its policies on the war.

"THE TASK OF RE-EDUCATION

It should by now be apparent that we have to a large extent created our own predicament. In our determination to rally support, we have tended to give the South Vietnamese struggle an exaggerated and symbolic significance. (Mea culpa, since I personally participated in this effort).

The problem for us now--if we determine not to broaden and deepen our commitments--is to re-educate the American people and our friends and allies that:

a) The phasing out of American power in South Vietnam should not be regarded as a major defeat--either military or political--but a tactical redeployment to more favorable terrain in the overall cold war struggle;

b) The loss of South Vietnam does not mean the loss of all of Southeast Asia to the Communist power....

d) The Viet Cong--while supported and guided from the North--is largely an indigenous movement. Although we have emphasized its cold war aspects, the conflict in South Vietnam is essentially a civil war within that country;

e) Our commitment to the South Vietnamese people is of a wholly different order from our major commitments elsewhere--to Berlin, to NATO, to South Korea etc. We ourselves have insisted the curtailment of our activities in South Vietnam would cast doubt on our fidelity to the other commitments. Now we must begin a process of differentiation being founded on fact and law. We have never had a treaty commitment obligating us to the South Vietnamese people or to a South Vietnamese government. Our only treaty commitment in that area is to our SEATO partners, and they have--without exception--viewed the situation in South Vietnam as not calling a treaty into play. To be sure, we did make a promise to the South Vietnamese people. But that promise is conditioned on their own performance, and they have not performed."

Under-Secretary of State George Ball, 6/29/65
G.E. Vol. IV, p. 609

It was not only the American people who had to be 'educated' about the war, but also the whole world. And the government had to be careful about world opinion. First, Southeast Asia itself had to be convinced there was a problem.

"(2) Extraordinary and unilateral, as well as multi-national efforts should be undertaken to give vitality in Southeast Asia to the concept that Communist imperialism is a transcend-

ing threat to each of the Southeast Asian states. These efforts should be so undertaken as to appear through local initiative rather than as a result of U.S. or U.K., or French instigation."

Special Committee (of the National Security Council) Report on Southeast Asia, 4/5/54
G.E. Vol. I, p. 475

Additionally, the policy-makers had to try to contrive that the South Vietnamese government look good to its own people.

"Assist the GVN in developing a National Psychological Operations Plan ...to establish the GVN and Khanh's 'images', create a 'cause' which can serve as a rallying point for the youth/students of Vietnam, and develop the long term national objectives of a free Vietnam."

G.E. Vol. III, p. 45

As the war dragged on without a U.S. victory in sight, the U.S. government began to see the situation as a race between loss in public (and world) support and somehow creating a viable South Vietnam. The point up to which the government would not go to bring about this creation was mobilization of reserves.

"...I see this war as a race between, on the one hand, the development of a viable South Vietnam and, on the other, a gradual loss in public support, or even tolerance, for the war....We must work on both problems together: slow the loss in public support; and speed the development of South Vietnam. Our horse must cross the finish first."

Alain Enthoven, Assistant Secretary of Defense, G.E. Vol. IV, pp. 463-464

"When the President and the Secretary of Defense as well as other Congressional leaders and politically attuned decision makers in the government began to search for the illusive point at which the costs of Vietnam would become inordinate, they always settled upon the mobilization line, the point at which Reserves and large units would have to be called up to support a war which was becoming increasingly distastful and intolerable to the American public. Domestic resource constraints with all of their political and social repercussions, not strategic or tactical military considerations in Vietnam, were to dictate American war policy from that time on."

G.E. Vol. IV, pp. 527-528

"Now--with the bombing programs having become commonplace and with the failure of the situation to improve--morale in South Vietnam is not discernibly better than it was before the bombing program began.

.....
The program has generated a new school of criticism among liberals and 'peace' groups, whose activities have been reflected especially in teach-ins and newspaper criticisms.

.....
The price paid for improving our image as a guarantor has been damage to our image as a country which eschews armed attacks on other nations. . . . The objection to our 'warlike' image and the approval of our fulfilling our commitments competes in the minds of many nations (and individuals) in the world, producing a schizophrenia."

Secretary of Defense McNamara, 7/30/65
G.E. Vol.III, pp. 387-388

"If we are to stay, we must have the backing of the U.S. electorate. As we divert resources from other national goals, as U.S. lives are lost, and as the electorate sees nothing but endless escalation for the future, an increasing fraction will become discouraged. If this keeps on in the future as it has in the past, we will have to leave SEA before stability is achieved, losing all that we have invested up to that point, and foregoing the general stability of the world which was established as a result of the Korean War...."

Alain Enthoven, Assistant Secretary of Defense
G. E. Vol. IV, p. 457

"The primary costs are of course U.S. lives: the air campaign against heavily defended areas cost us one pilot in every 40 sorties. In addition, an important but hard to measure cost is domestic and world opinion: There may be a limit beyond which many Americans and much of the world will not permit the United States to go. The picture of the world's greatest super-power killing or seriously injuring 1000 non-combatants a week, while trying to pound a tiny backward nation into submission on an issue whose merits are hotly disputed, is not a pretty one. It could conceivably produce a costly distortion in the American national consciousness and in the world image of

th U.S.--especially if the damage to North Vietnam is complete enough to be 'successful'".

Secretary McNamara, 5/19/67

G.E. Vol. IV, p. 172

"It follows that escalation will not bring visible victory over Hanoi before the election. Therefore the election will have to be fought by the administration on other grounds. I think those other grounds are clear and important, and that they will be obscured if our policy is thought to be one of increasing--and ineffective--military pressure.

If we assume that the war will still be going on in November, 1968, and that Hanoi will not give us the pleasure of consenting to negotiations sometime before then what we must plan to offer as a defense of administration policy is not victory over Hanoi, but growing success--and self-reliance--in the South."

McGeorge Bundy memorandum to President Johnson, May, 1967

G. E., Vol. IV, p. 159

By the spring of 1968, Lyndon Johnson was inextricably tied to an increasingly unpopular war and was being successfully challenged in the primaries.

"To the shock and consternation of official Washington, the President had defeated his upstart challenger, Eugene McCarthy, who had based his campaign on a halt in the bombing and an end to the war, by only the slenderest of margins.... The reaction across the country was electric. It was clear that Lyndon Johnson, the master politician, had been successfully challenged, not by an attractive and appealing alternative vote-getter, but by a candidate who had been able to mobilize and focus all the discontent and disillusionment about the war. National politics in the election year 1968 would not be the same thereafter."

G.E. Vol. IV, p. 263

This revolt on the part of the electorate indicated something had to change. The Senior Informal Advisory Group, or Wise Men as they were called, met to decide what course the U.S. should take.

"Those present were Dean Acheson, Secretary of State under President Harry S. Truman; George W. Ball, Under Secretary of State in the Kennedy and Johnson Administrations, now in private business; General of the Army Omar N. Bradley, World War II special assistant for national security under Presidents Kennedy and Johnson, now president of the Ford Foundation; Arthur H. Dean, lawyer and negotiator of the armistice in Korea, and Douglas Dillon, banker, Under Secretary of State, under President Eisenhower and Secretary of the Treasury under Presidents Kennedy and Johnson."

Bantam edition, p. 609

Five days later, the President announced he would not run for re-election. The volatile divisions among the American people had to be defused. A President was expended along with the old strategy. Yet, as we were to see in the succeeding years, the war was not to end.

It is important to realize that the Pentagon Papers do not contain secrets affecting 'national security' (U.S. bases, coles, etc.) as the prosecution and indictment of Ellsberg and Russo allege. Rather, they contain embarrassing information damaging to the security of the government's power to deceive the people and continue the war. The Papers provide clear and undeniable evidence that those who govern in our name have conspired to keep secret the true nature of the war they are prosecuting. Why have successive U.S. administrations lied to the people? Is it because they have been afraid that the American people would not have allowed the war to be carried on if they had known U.S. involvement in Vietnam is not intended to help the Vietnamese gain freedom, but instead is aimed at destroying an indigenous nationalist movement because it threatens U.S. influence and control over the country and its people? Have they been afraid that the American people would have demanded an end to it if they had known the policy is to sustain the U.S.-controlled South Vietnamese governments no matter how corrupt these governments might become or what the costs are in human lives? Have those in power been apprehensive that they would be removed from their governing positions once the American people realize that the government's policy has been to pursue a military victory in Vietnam (rejecting even a neutral state) which is impossible to gain except by committing genocide against all the Vietnamese?

The Pentagon Papers should prepare us to understand the underlying patterns of rule from the beginnings of the Cold War to the Nixon Doctrine of 1969-1972. Four years after the writing of the Pentagon Papers, one year after their release, the Vietnam war goes on. Fifty thousand Americans have been killed, more than 500,000 Vietnamese in South Vietnam alone, while eight million tons of

bombs have fallen on the population and lands of Indochina (four times the total tonnage used by the U.S. in World War II). Once again the President speaks of "secret plans" for peace and attempts to obscure the war as an election campaign begins.

But there is a difference this time. Never since the beginning of the Cold War has a "war against communism" been so unpopular that the Administration has been forced to claim it is "winding down." The release of the Papers has not only widened the existing "credibility gap" but has by example encouraged further acts of civil disobedience against secrecy--some of which bears directly on present Nixon policies. A new document has been leaked which can be described as the "Kissenger Papers" of the Nixon Administration.

This classified document is called National Security Study Memorandum No. 1 (NSSM-1) and was released by Jack Anderson in April, 1972. It contains a survey of Administration thinking about Vietnam as Nixon took office in 1969. It was organized by Henry Kissinger and formulated by Daniel Ellsberg as a series of questions to each government agency (Joint Chiefs, CIA, State Department, etc) about their estimates of the Indochina situation. As Dan recounts the story in Papers on the War, Kissinger said the study's purpose was to lay all "options" before the President. But then the option of deliberate U.S. withdrawal was eliminated by Kissinger. The finished study contains even further proof of the lie that the war is winding down: there is general agreement in the study on the following:

1. "...it is not certain that the GVN and other non-communist groups will be able to survive a peaceful competition with the NLF for political power in South Vietnam."
2. "Both the majority and the dissenters reject the view that an unfavorable settlement in Vietnam will inevitably be followed by Communist takeovers outside Indochina."
3. "All agencies agree that RVNAF could not, either now or even when fully modernized, handle both the VC and a sizeable level of NVA forces without U.S. combat support in the form of air, helicopters, artillery, logistics and some ground forces."
4. "(The most optimistic view of pacification) implies that it will take 8.3 years to pacify the 4.15 million contested and VC population of December, 1968; ... (the more pessimistic view) implies

pacification success in 13.4 years." (NSSM-1)

What this astounding document implies is that Nixon has known since taking office that every single one of his pronouncements about "winding down" the war, Vietnamization, pacification, the legitimacy of the Saigon government and the reasons for our continued defense of it has been in absolute contradiction to the private understanding of his own administration.

Of course, we don't really need the secret papers of the Nixon Administration to realize he is continuing the war with the very logic and arguments that the Pentagon Papers refute.

In his Administration Nixon has expanded the war to Laos and Cambodia, and now mined Haiphong to cut off supplies; he has bombed Laos and Vietnam incessantly to break the will of the other side and defended the Saigon dictatorship as stable and improving--all claims which a reader of the Pentagon Papers will have no problem in refuting as lies.

Nixon's negotiating position at the Paris Peace talks is simply a continuation of the policies of past administrations which refused to even consider a "neutral" Vietnam and fought to deny the South Vietnamese self-determination. By referring to a coalition government in the South which would include representatives of the National Liberation Front as a "communist takeover," Nixon is trying to manufacture an excuse to avoid peace negotiations based on a regard for Vietnamese self-determination.

Nixon's military policies are an extension of the strategies described in the Pentagon Papers. NSSM-1 reveals the rationale for the current bombing of the dikes and cities of North Vietnam and the mining of Haiphong Harbor. According to the State Department, there is room for "considerable disagreement" on the subject of the definition of "war-essential imports," but in the case of North Vietnam, this category "should include most of the economic aid provided by the Soviets and Chinese, as well as nearly all of their purely military aid." The reason for this is that:

"Food imports constitute a growing percentage of total imports, in 1968 replacing general cargo as the single largest category of imports.... The importance of food imports can hardly be overestimated; even with them North Vietnam has been forced to strictly ration food-stuffs... and progressively to reduce the composition of the rice ration so that at present it consists of 60% of rice substitutes. (In

other words) economic aid has been essential in keeping North Vietnam afloat." (NSSM-1)

The State Department strategists understand that when "the will" of the Vietnamese is the "real target", tactics intended to create widespread starvation are acceptable. Nixon's policy is to attack the very fabric of life in North Vietnam. Bombing the dikes threatens the domestic production of rice while mining the harbors is aimed at preventing importation of food:

"(It is estimated that 85% of the total aid to Hanoi arrives by sea, i.e. through Haiphong. Almost all of this is economic aid, since military supplies are generally believed to come overland from China.)" (NSSM-1)

Rather than cutting off military supplies to the South, the intention of the present administration is to force the Vietnamese to accept U.S. terms at the conference table by threatening them with widespread starvation. As the Pentagon Papers have shown, this tactic was suggested early in 1966 by John T. McNaughton.

The Nixon Doctrine has created confusion, as during the Haiphong crisis when a majority temporarily defended the President's action (but that majority would not have existed if the Pentagon Papers judgement of the ineffectiveness of the mining was widely known). But the Doctrine has failed completely to deter the growth of general discontent with the war. Three months after the New York Times published the Papers, in the fall of 1971, the Gallup and Harris polls showed that 73% favored withdrawal "even at the risk of Red takeover."

The struggle against the Nixon Administration and those who plan the Vietnam war and others like it will be long and hard. Many tactics, many methods will have to be attempted, perhaps for many years. But if there is any chance of at least terminating the war in Vietnam--and there certainly is in this election year--- we will owe a great deal to those who helped give us some truth, Dan and Tony. The least we owe to them, to the Vietnamese, and to ourselves, is to continue in their spirit of resistance.

*G.E. refers to the Gravel Edition of the Pentagon Papers.

Suggestions for Further Reading

The Pentagon Papers, Bantam Edition

The Pentagon Papers, Gravel Edition, Beacon Press

Ellsberg Talks, Look Magazine, October 5, 1971, pp.31-42

Inside the Rand Corporation, Ramparts, A. Russo, April, 1972

The Papers Papers, Esquire, May, 1972, Unger, Sanford

Washington Plans an Aggressive War, Stavins, R., Barnet, R.
and Raskin, M., Random House

The Roots of American Foreign Policy, Kolko, Gabriel

Vietnam Will Win, Burchet, Wilfred

The Indochina Story, Committee of Concerned Asian Scholars

The Love of Possession is a Disease with Them, Tom Hayden

Voices from the Plain of Jars, Fred Branfman

Papers on the War, Daniel Ellsberg, Simon and Schuster

THE INDOCHINA PEACE CAMPAIGN

The Indochina Peace Campaign is an independant education program designed to present to the American public the facts about the Nixon Administration's policies in Indochina. The facts contradict the Administration's claim that the war is "winding down." Nixon has consistently manipulated, misled and misinformed the American people about the war. Recognizing that the Indochinese are not the enemies of Americans, but a people long kept "faceless," we need to understand their culture, history, and long heritage of resistance against foreign aggression in order to understand the nature of the U.S. intervention. We must uncover the perverse goals of Nixon's Vietnamization plan and realize that the withdrawl of American ground troops is not the same as ending the war. The number of bombers increase, air strikes multiply, and more Indochinese are killed. During this election period it is crucial that the American people break through the false claims and distortions that the Administration is using to cloud the reality of the war.

The Indochina Peace Campaign is focusing in the weeks preceeding the election, on seven staes where state-wide organizations have been formed to conduct intensive campaigns to explain the explain the war to as many people as possible. Through a nationally visible education tour by Jane Fonda, Tom Hayden, holly Near and Goerge Smith; a special speakers bureau through which Donald Sutherland, Vietnamese students, Vietnam Veterans, Dan Ellsberg, Tony Russo and others are available; slide shows, films, graphic exhibits and educational resources, we hope to reach American people with our message: support for the Indochinese people's right to self-determination.

For more information contact IPC at any of the offices listed:

212-255-

Room 523, 156 Fifth Ave. New York, New York 10010 0726
Box 24C51, Los Angeles, California 90024 213-477-0968
542 So. Dearborn St. Chicago, Illinois 60605 312-922-6578
13100 Woodward, Highland Park, Michigan 48203 313-869-6775
924 Burnet Ave. Syracuse, N.Y. 13203 315-472-5478
82 E. 16th Ave. Columbus, Ohio 43201 614-299-2458
Box 4743 Pittsburgh, Pa. 15206 412-521-1972, 441-4466
1004 N. Third St. Harrisburg, Pa. 717-233-3072, 233-1647
6224 Baynton St. Phila. Pa. 215-842-3748



The Pentagon Papers cover the history of decision-making in the war through the Johnson Administration.(May '68) Since Dan Ellsberg and Tony Russo released the Pentagon Papers, the equivalent of more than a Hiroshima bomb a week have fallen on Indochina. By indicting Dan and Tony, the Nixon Administration is indicting itself by continuing to hide from the American people the reality of the policy that is conducted in their names.

THE WAR IS NOT WINDING DOWN

Nixon Administration

4,624,000 Indochinese civilians killed, wounded, or made homeless.

1,489,240 soldiers killed on all sides

20,327 Americans killed
111,000 Americans wounded
500 captured or missing

7,700 ARVN soldiers killed per month

38,739 South Vietnamese killed without trial under the Operation Pheonix program

4 million tons of bombs dropped across Indochina

Johnson Administration

4,147,000 civilians under Johnson

1,333,215 soldiers killed

35,350 Americans killed
191,000 Americans wounded

2,255 ARVN killed per month

2,225 South Vietnamese killed without trial

3.2 million tons of bombs

The above statistics are based on figures from the Pentagon Information Office, Government Accounting Office, Saigon Ministry of Information, and the U.S. Senate Sub-Committee on Refugees. Casualty figures do not include civilian casualties in North Vietnam.

Photographs by:

Philip Jones Griffith
Marc Rimboud



F B I

~~CONFIDENTIAL~~

Date: 10/25/72

Transmit the following in _____

(Type in plaintext or code)

Via AIRTEL

AIRMAIL - REGISTERED MAIL

(Priority)

Mr. Felt	_____
Mr. Baker	_____
Mr. Bates	_____
Mr. Bishop	_____
Mr. Callahan	_____
Mr. Cleveland	_____
Mr. Conrad	_____
Mr. Dalbey	_____
Mr. Jenkins	_____
Mr. Marshall	_____
Mr. Miller	_____
Mr. Soyars	_____
Mr. Walters	_____
Tele. Room	_____
Mr. Kinley	_____
Mr. Armstrong	_____
Ms. Herwig	_____
Mrs. Neenan	_____

TO : ACTING DIRECTOR, FBI (65-74060)

FROM: SAC, BUFFALO (65-2971) (R)

MC LEK
SIO

(OO: Los Angeles)

Re Bureau airtels to Albany, dated 3/16/72 and 8/31/72.

Enclosed herewith for the Bureau and Los Angeles are seven (7) and five (5) copies respectively of a LHM captioned DANIEL ELLSBERG. Also enclosed for the Bureau are four (4) newspaper clippings relating to appearance made by ELLSBERG in Buffalo, New York on 10/16/72 which are self-explanatory. Above clippings enclosed to conform with Bureau instructions set out in referenced airtel dated 3/16/72.

This LHM is not classified since there is no apparent reason for that course of action.

No recordings were made of ELLSBERG's speeches in Buffalo, New York inasmuch as he spoke at educational institutions and full security could not be assured. No known recordings of his speeches were made by available established sources.

No demonstrations occurred nor were there any unusual incidents or arrests made by local authorities in connection with his appearances.

Established sources furnished no data suggesting what his future travel itinerary would be on departing Buffalo, New York.

ENCLOSURE

- 2 - Bureau (Encs. 11) (AM-RM)
- 2 - Los Angeles (Encs. 5) (AM-RM)
- 2 - Buffalo

JWS:jae
(6)

Classified by 6080
Exempt from GDS, Category _____
Date of Declassification Indefinite

97 NOV 14 1972

Approved: _____

Sent _____


Special Agent in Charge

~~CONFIDENTIAL~~

SPEC. INV. OFFICE

BU 65-2971

Upon receipt of information indicating ELLSBERG would appear in Buffalo, New York, logical informants and established sources were targeted to provide relevant positive information and data contained in this LHM represents the information of value secured.





UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

Buffalo, New York
October 25, 1972

In Reply, Please Refer to
File No.

DANIEL ELLSBERG

[REDACTED] a request had recently been received by State University of New York at Buffalo (SUNYAB) from the office of Student Rights and Speakers Bureau of the Student Association at SUNYAB for facilities to be used in connection with the tentative appearance of DANIEL ELLSBERG on October 16, 1972. [REDACTED] the sponsorship of ELLSBERG as a speaker would be a regularly authorized activity of the Student Association.

[REDACTED] the Student Association with partial support of the Graduate Student Association at SUNYAB was sponsoring a public affairs symposium called "Problems and Awareness 1972 - 1973," also called "October Fest," which would feature DANIEL ELLSBERG as a guest speaker in the Fillmore Room, SUNYAB, at 8:00 PM on October 16, 1972. Source One stated on October 10, 1972 he was not aware of the subject matter ELLSBERG would talk about.

[REDACTED] DANIEL ELLSBERG spoke in the Recreation Center at Erie Community College, Amherst, New York for approximately one half hour commencing at 1:00 PM on October 16, 1972 under sponsorship of the Convocation Council of Student Government at Erie Community College.

[REDACTED] approximately 1,200 students and faculty members listened to ELLSBERG speak and during his talk he said that the people's First Amendment rights will be in jeopardy if the NIXON administration is re-elected. ELLSBERG also indicated in his speech that if he is convicted on espionage charges pending against him the current administration will in effect have made a new law. He also warned that newsmen and persons who supply information to them would then be subjected to prosecution each time some part of government activity the executive branch wanted kept secret was publicized. ELLSBERG also stated that the United States

65 70-40 403 /
ENCLOSURE

DANIEL ELLSBERG

Government's action last year in halting publication of the Pentagon Papers documents that described the actions and policies that generated the Vietnam war was actually a success.

[REDACTED] ELLSBERG brushed over the Pentagon Papers lightly during his speech and a 15 minute question and answer period was reportedly held by ELLSBERG in the Recreation Center after ELLSBERG completed his formal presentation. Source Two said ELLSBERG reportedly received a fee of \$1,000.00 from the Student Government at Erie Community College for appearing on October 16, 1972.

[REDACTED] DANIEL ELLSBERG spoke for approximately 45 minutes commencing at about 2:45 PM on October 16, 1972 in the Social Hall at State University College at Buffalo (SUCAB). [REDACTED] ELLSBERG's appearance at SUCAB was sponsored by the Convocation Board of the Student Government at SUCAB and between 400 and 500 student and faculty members listened to him speak [REDACTED] ELLSBERG reportedly received \$1,500.00 from the Student Government at SUCAB for his appearance on October 16, 1972.

[REDACTED] ELLSBERG told the audience in the Social Hall that President RICHARD M. NIXON's conduct of the Vietnam war and attempted suppression of the Pentagon Papers was unfortunate. ELLSBERG described the Pentagon Papers as being a part of history and stated that he did not release the Pentagon Papers in the confidence that one act would end the war but just because it was necessary since that history had been hidden and perverted.

ELLSBERG said that the unprecedented enjoinder of the "New York Times" and "Washington Post" from publication of the Pentagon Papers indicated that the papers were dangerous to the current administration which is unable to live with documentary evidence that it is telling lies to the American people. ELLSBERG said he is aware that the majority of the American people have not read the Pentagon Papers and therefore are not cognizant of its contents.

ELLSBERG said that the Vietnam war will not end until such time as the American public becomes aware of the

DANIEL ELLSBERG

United States Government's responsibility for prolonging the war.

In his speech ELLSBERG urged his listening audience to vote for peace by voting for Senator GEORGE MC GOVERN for president in the upcoming presidential election.

[REDACTED] on October 16, 1972, DANIEL ELLSBERG spoke before approximately 1,000 students and faculty members in the Fillmore Room, SUNYAB, which was sponsored by the Student Association and Graduate Student Association, SUNYAB.

[REDACTED] ELLSBERG talked for approximately 30 minutes commencing at about 8:25 PM, October 16, 1972 and reportedly received \$2,500.00 from the sponsoring groups to make the appearance.

[REDACTED] ELLSBERG during his speech outlined part of the history of American involvement in Vietnam as revealed in the Pentagon Papers. He stated the Pentagon Papers indicated the American Government has been postponing failure in its Vietnam policy.

ELLSBERG called for protection of members of the South Vietnamese Government through sanctuary or diplomatic measures, however, not through continuation of American involvement in the Vietnam conflict. [REDACTED] ELLSBERG also indicated he viewed one of the major effects of the disclosure of the Pentagon Papers as an increased effort to falsify records as in the case of unauthorized bombing raids by United States planes in Indo-China.

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency nor duplicated within your agency.

(Mount Clipping in Space Below)

Ellsberg Sees Try To Veil Pentagon Papers '1984' Act

By NANCY SCHWERZLER

President Richard M. Nixon's conduct of the Vietnam War and attempted suppression of the Pentagon Papers has realized the vision of "1984," Daniel Ellsberg, who leaked the papers to the press, told a Buffalo State College audience Monday afternoon.

Ellsberg, the former Defense Dept. analyst who currently faces prosecution for his role in the release of the top-secret Pentagon Papers, looked much like every student's favorite history professor as he swiveled on a stool before the group of about 400 persons and delivered a low-keyed diatribe against the war.

"The Pentagon Papers were a history, just a history," Ellsberg said.

"I didn't release the Pentagon Papers in the confidence that one act would end the war, but just because it was necessary, because that history had been hidden and perverted," he said.

Cites Orwell

Citing George Orwell's fictional vision in (1984) of "controlled insanity," Ellsberg deplored opinion polls showing substantial support of President Nixon's Vietnam policy as a means toward peace.

"The perception of Nixon as someone who has ended the war suggests a state of mind like madness," Ellsberg declared.

Ellsberg asserted that the unprecedented enjoinder of The New York Times and Washington Post from publication of the Pentagon Papers indicated that the papers were "dangerous to this administration" which "cannot live with documentary evidence that it is telling lies to the American public."

Refers to Watergate

Ellsberg said he viewed one of the major effects of the disclosure of the secret documents as an increased effort to "falsify records" such as in the cases of unauthorized bombing raids in Indochina.

"I had thought the Pentagon Papers would do a lot for copying machines, but they may do

a lot for shredders," Ellsberg observed, citing incidents such as the Watergate bugging raid and the ITT campaign contributions case.

Ellsberg outlined some of the history of American involvement in Vietnam as revealed in the Pentagon Papers, documents which he said indicated the American government has been "just postponing failure" in its Vietnam policy.

Sanctuary Proposal

Ellsberg called for protection of members of the South Vietnamese Government "through sanctuary or diplomatic measures", but not through continuation of American involvement in the war.

"We must see the government of South Vietnam as an American government," Ellsberg said.

"Saigon is a company town — everybody in town works for the company, and the company is the U.S. government. Thieu is a U.S. branch manager, and the decision must be made now whether we move him to Tucson or Paris or whether we continue to support him."

Urges Vote for McGovern

Ellsberg admitted that he is aware that the majority of the American public have not read the Pentagon Papers and are oblivious to their contents. A show of hands in the audience bore out his point.

"The war will not end until the American people understand our responsibility for prolonging the war," Ellsberg said, urging his audience to "vote for peace by voting for George McGovern for president."

Ellsberg appeared at Erie Community College earlier in the day and addressed a gathering in Norton Hall at the University of Buffalo Monday evening.

(Indicate page, name of newspaper, city and state.)

19

COURIER EXPRESS
Buffalo, New York

Date: 10/17/72
Edition: Four Star
Author:
Editor:
Title: DANIEL ELLSBERG

Character:
or

Classification: 65-2971
Submitting Office: Buffalo

☐ Being Investigated

ENCLOSURE

(Mount Clipping in Space Below)

Ellsberg Voices Fears Of a Nixon Re-election

Daniel Ellsberg, the man who released the Pentagon Papers to the press and public, today asserted that the people's First Amendment rights will be in jeopardy if the Nixon administration is re-elected.

Ellsberg, the 41-year-old former Pentagon researcher, voiced this fear before more than 1000 students of Erie Community College at a special convocation.

Ellsberg is making four appearances today and tomorrow before Buffalo audiences to spread his views on the curtailment of information about the Vietnam war by the Nixon and Johnson administrations.

NOW INDICTED on 15 counts under the Espionage Act, Ellsberg said that there had been no prior criminal cases for leaking information to the public because there is no law against it.

"If I am convicted, the administration in effect will have made new law," he said. Ellsberg warned that newsmen and persons who supply information to them then would be subjected to prosecution each time some part of government activity that the executive wanted kept secret was publicized.

Mr. Ellsberg said that the government's action last year

in halting the publication of the Pentagon Papers — the documents that prescribed the actions and policies that generated the Vietnam war — was really a government success.

Ellsberg declared that the "lying by the past two administrations was a tribute to our country," because the country wouldn't stand for it.

* * *

"THE PRESIDENTS felt that they had to lie to the country to continue this endless war. They felt it was better than revealing the deaths, the costs and the number of men who had to die."

Ellsberg, a slender man who had arisen from a sick bed to keep his Buffalo engagements, was given a modestly warm reception by the students.

Richard C. Warner, 26, the Vietnam war veteran who heads the Student Council, said that the campus mood favored Ellsberg's viewpoint.

Earlier in a press conference Ellsberg was asked if he regretted leaking the Pentagon Papers. "I regret I didn't do it earlier," he responded. "How can one regret telling the truth."

Ellsberg said that he detected a mood of frustration and hopelessness throughout the nation. "They have turned away from political action because they feel that they really have no control any more. Democracy already has gone away. This is not good for the country."

* * *

ELLSBERG declared that he had no doubt that Sen. George S. McGovern will end the war.

And he warned that a landslide victory by President Nixon, a likely prospect, would make the voters accomplices of an administration that seeks to curtail freedom of speech.

Ellsberg speaks this afternoon at Buffalo State University College and the Unitarian Universalist Church of Buffalo and tomorrow morning at the State University of Buffalo, the agency that brought him here.

(Indicate page, name of newspaper, city and state.)

23

BUFFALO EVENING NEWS
Buffalo, New York

Date: 10/16/72
Edition: Late City
Author: Complete
Editor:
Title: DANIEL ELLSBERG

Character:
or

Classification: 65-2971
Submitting Office: Buffalo

☐ Being Investigated

ENCLOSURE



ELLSBERG ON CAMPUS—Daniel Ellsberg, left, who won national attention with disclosures of the Pentagon Papers, discusses his situation with three Erie Community College students, Richard Warner, president of the student government; Kathy Reynolds, and, at right, Nancy Grant.

FBI

Date: 10/30/72

Transmit the following in _____

(Type in plaintext or code)

Via AIRTEL

AIRMAIL - REGISTERED

(Priority)

TO : ACTING DIRECTOR, FBI (65-74060)
(Attention: DID)

FROM : SAC, SAN FRANCISCO (65-6076) (P)

SUBJECT: MC LEK
SIO

Re San Francisco nitel, dated 10/18/72.

Enclosed for the Bureau are five (5) copies, for Boston, Los Angeles and New York two (2) copies each, of an LHM entitled [REDACTED]. Also enclosed for New York for information purposes are two photographs of [REDACTED]. Date of photograph unknown but is of good likeness.

It is to be noted that in referenced nitel, San Francisco advised that interview of [REDACTED] by Bureau Agents in presence of attorney was pending the recovery from illness of [REDACTED] attorney for [REDACTED]. However, [REDACTED] via Alameda County Jail officials advised the FBI that he would be willing to be interviewed by the FBI and would waive his right to have an attorney present. [REDACTED] associate of the ailing [REDACTED] was advised of FBI intended interview but did not attend scheduled interview.

- 27 ENCLOSURE
- ② - Bureau (Encl. 5) (RM)
 - 2 - Boston (Encl. 2) (RM)
 - 2 - Los Angeles (Encl. 2) (RM)
 - 2 - New York (Encl. 4) (RM)
 - 6 - San Francisco (Encl. 15) (RM)

ST 107

REC-75

4060

SMB/crv
(14)

(2 - 65-6076) "As much as statements [REDACTED] implausible when compared with results of [REDACTED] 11-6-72
(2 - 65-6108) incident in the Ellsberg case, no further [REDACTED] 12 NOV 2 1972
(1 - 87-33529) inquiries are being made relative to the [REDACTED]
(1 - 88-13249) info. furnished by [REDACTED] 11-3-72 [REDACTED]

J. WAGONER
SPECIAL AGENT IN CHARGE

Approved: 97 NOV 8 1972
Special Agent in Charge

Sent _____

U.S. GOVERNMENT PRINTING OFFICE: 1970-4-1-115

SF 65-6076
SMB/crv

The attached LHM is composed of an FD-302 relative to topics discussed by [REDACTED]. Although information regarding [REDACTED] does not pertain to the ELLSBERG case, it does reflect on the demeanor of [REDACTED].

Information furnished re [REDACTED] was also placed on FD-302 and being handled under separate cover and appropriate caption.

It should also be noted that [REDACTED] is not noted for telling the truth. In addition [REDACTED] has advised that it is her belief that [REDACTED] needs psychiatric help and is fabricating the alleged in order to avoid a prison sentence. [REDACTED] has also advised that extradition proceedings against [REDACTED] may be completed within several weeks.

New York is being furnished with LHM and photograph of [REDACTED] in the event investigation is requested of that division.

San Francisco under ^{separate} cover is forwarding appropriate number of copies of FD-302 to the following offices for information purposes:

[REDACTED]

UACB, San Francisco contemplates no further investigation regarding [REDACTED] alleged connection with and possession of the Pentagon Papers at this time as it is the belief of San Francisco that [REDACTED] allegations were contrived to alleviate his participation in the killing of [REDACTED]



UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

San Francisco, California

October 30, 1972

In Reply, Please Refer to
File No.

[REDACTED]

On October 25, 1972, [REDACTED] at
the specific request of [REDACTED] was interviewed at the
Alameda County Jail, 12th and Oak Streets, Oakland,
California.

This document contains neither recommendations nor conclusions
of the FBI. It is the property of the FBI and is loaned to
your agency; it and its contents are not to be distributed
outside your agency nor duplicated within your agency.

65-77000-4000
ENCLOSURE

FEDERAL BUREAU OF INVESTIGATION

October 30, 1972

Date of transcription

[redacted] was interviewed at the Alameda County Jail, 12th and Oak Street, Oakland, California. He was advised of the identities of the interviewing agents and the nature of the interview. He was then presented with a Waiver of Rights Form which he read, stated he understood and signed. [redacted] was then advised that the Federal Bureau of Investigation (FBI) could make no promises resulting from any information he might furnish. [redacted] stated that he understood, then furnished the following information:

[redacted] stated during the spring of 1971 he was residing at [redacted] with one [redacted]. On May 17, 1971, he returned to his parents' home, [redacted] to attend his parents' 25th wedding anniversary on 1971.

On May 18, 1971, [redacted] a friend of [redacted] for approximately eight years, visited [redacted] at his parents' home at which time [redacted] informed [redacted] that he, [redacted] had known DANIEL ELLSBERG and had gone to bed with him on several occasions in a homosexual relationship. [redacted] stated that [redacted] wanted to extort money from [redacted] using the threat of homosexual activities to tarnish ELLSBERG's public image. *DANIEL ELLSBERG*

[redacted] then stated that he had never personally met DANIEL ELLSBERG, but that he himself had engaged in homosexual activities and had at times been a partner with [redacted]

[redacted] then stated that he and [redacted] tried to figure out how to extort money from ELLSBERG and that he had suggested to [redacted] that [redacted] should try to obtain some of the Pentagon Papers in payment because of the salability of the papers. [redacted] told [redacted] to

Interviewed on 10/25/72 at Oakland, California File # [redacted]
by [redacted] Date dictated 10/27/72

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

SMB:lcj

contact him in California if he was able to get any of the papers. [REDACTED] then returned to California on May 19, 1971.

On or about June 10, 1971, [REDACTED] called [REDACTED] at his residence at [REDACTED] and told [REDACTED] that he had managed to get one hundred or so papers from ELLSBERG and that these papers had never been published. [REDACTED] stated he could not remember exactly how many papers there were, but guessed 102 or 103.

[REDACTED] stated that before returning to [REDACTED], he told [REDACTED] of the possession by [REDACTED] of the 100 Pentagon Papers. He stated [REDACTED] who he had met at [REDACTED] house in San Francisco in either 1967 or 1968, was a friend of his.

[REDACTED] stated he flew back to Boston on June 20, 1971, and then returned to his parents' house where either on June 21 or June 22, 1971, [REDACTED] came to the house and showed [REDACTED] the papers. [REDACTED] stated the papers were kept in an unmarked brown manila folder. He described the papers as xeroxed copies of what appeared to be government records. The papers had the "usual top secret-confidential type markings on the cover sheets." He stated he did not remember from which government agency the papers were designated, but stated that of those pages that he read, the papers covered bombing statistics, cost analysis, target selections, seasonal targets and POW areas. He stated he did not read all of the pages, but they appeared to be consecutive in nature.

[REDACTED] then stated that in discussing ways to obtain money for the sale of the papers, he and [REDACTED] decided it would be hard to sell the papers to a publisher due to the previous publishing of the Pentagon Papers and the fact that they had obtained only 100 pages.

11/13/71
Vicki
11/13/71

SMB:lcj

[redacted] stated it was his idea to attempt to sell the papers to the Russians. His plan was to consist of three stages. The first stage was for him to contact the Russians and show them five pages and arrange to sell them the 100 pages for \$5,000. The second stage would consist of selling the 100 pages to the Russians and arranging to sell the 3,900 remaining pages of the Pentagon Papers for \$100,000. [redacted] stated that they did not have these remaining 3,900 pages, but that the first two stages would have established credibility for their possession. [redacted] stated that the third stage, the exchange of 3,900 for \$100,000 would actually be a swindle and would probably necessitate the completion of such through use of force. He stated it was agreed that a weapon would be necessary to carry out the swindle.

[redacted] stated he purchased a snub-nose five-shot Smith and Wesson using his true name for approximately \$120 from a store in Cambridge he believes was called Reeses.

[redacted] stated it was about this time that he called [redacted] in California advising him that [redacted] had obtained the 100 pages and that he, [redacted] was going to the Russian Consulate in New York to arrange a sale. [redacted] stated [redacted] expressed agreement with the idea that it would be a good way to "screw" the Russians for the way the Jews were being treated in Russia.

[redacted] then stated that he took an Eastern Airlines shuttle flight to La Guardia Airport, New York, sometime between June 24, 1971, and June 30, 1971, and then on to the area of the Russian Consulate by taxi. He stated the Russian Consulate was on the East side of New York City somewhere between 60th and 80th Streets.

[redacted] stated he arrived at the Russian Consulate at approximately 2:00 p.m., and he remembers that at the time there were policemen and baracades in the area due to problems with the Jewish Defense League. Upon

SMB:lcj

entering the Russian Consulate, [REDACTED] was approached by an individual whose name he does not remember, but to whom he stated that he had some stolen government documents which he wanted to sell to them. He stated he was asked many questions regarding these papers to which he gave evasive answers. Finally, after getting nowhere with his request to see an official, he stated the papers were part of the Pentagon Papers. It was after this disclosure that he was taken up a back stairwell to an office that overlooked the street and which had a padded door.

It was in this room that he met a man who, from his appearance, seemed to have some "rank." He stated that he told this individual that a friend of his, whose father worked for the "Boston Globe", had xeroxed the Pentagon Papers and had supplied him with a copy. He stated that the individual did not seem to be too interested but asked if he could xerox the five copies that [REDACTED] had brought. [REDACTED] stated it was not until he threatened to go to Ottawa, Canada, to sell the papers to the Chinese that the Russian agreed to the purchase.

[REDACTED] stated they agreed that in about a week or ten days, [REDACTED] would deliver the 100 pages at the Palace Court-Plaza Hotel, Fifth Avenue and 59th Street, New York City, in exchange for \$5,000.

[REDACTED] stated that following the meeting with the Russian, which lasted approximately three or four hours total, he returned to Boston on the shuttle flight and then on to his new apartment at [REDACTED] where he again met with [REDACTED]. It was at this time that [REDACTED] and [REDACTED] agreed to follow through with stage two.

[REDACTED] stated that before returning to New York City, he went to the public library at Arlington, Massachusetts, where he xeroxed the 100 pages. He stated he bought a \$10 roll of dimes and made one copy of each page.

[REDACTED] stated that approximately one week after his first trip, he returned to New York by Eastern shuttle. It was the same day that LOUIS ARMSTRONG was laid in state

SMB:lcj

at an armory on Park Avenue. He remembers seeing the crowd and asking what was going on. He stated he went to the Plaza Hotel, gave a name to the maitre d' which he does not remember, ordered a drink and waited. In about a half an hour, a man approached, asked if he was so and so, name not remembered, and then joined him for lunch. During lunch, the man looked over the 100 pages and paid BEAUCHAMP \$2,500 in 25 \$100 bills. [REDACTED] told the man the agreed price was \$5,000. The man replied that it had been decided that the pages were only worth \$2,500. The man then told [REDACTED] that he would meet him at the Howard Johnson's Motor Lodge, Darien, Connecticut, in a few weeks, at which time he would pay \$50,000 for the remaining 3,900 pages.

After the second meeting, [REDACTED] returned to Arlington at which time he told [REDACTED] that he had arrived in New York City late and was unable to make contact with the Russians at the Plaza Hotel. [REDACTED] did not ask for the papers back. [REDACTED] told him he would try to make contact with the Russians in a few weeks.

[REDACTED] then stated that he called a friend of his (exact location not recalled; either San Francisco or Hawaii) by the name of [REDACTED] telling him about the papers and his plan for the third stage. [REDACTED] stated that [REDACTED] did not have the competence to help him carry out the third stage of their plan and so he was going to ask [REDACTED] to help him and leave [REDACTED] completely out. [REDACTED] stated that at the time he called [REDACTED] [REDACTED] had the gout and had recently received a large sum of money from his late father and was not too inclined to take part in the scheme.

[REDACTED] stated he decided to see [REDACTED] in person so he flew to California on or about July 20, 1971. He was picked up at the airport by [REDACTED] and driven to [REDACTED] new apartment on [REDACTED] in Berkeley. [REDACTED] did not discuss his change of plans involving [REDACTED] with [REDACTED] at this time. [REDACTED] stayed in

SMB:lcj

California until August 4, 1971, but was unable to persuade [REDACTED] to comply with his proposal.

On the evening of August 5, 1971, [REDACTED] came to his apartment in Arlington, Massachusetts, "stoned on acid" and claimed that [REDACTED] had xeroxed the papers, met the Russians and had kept the money for himself. He stated there was a violent, shouting argument during which [REDACTED] went into the kitchen and returned with a butcher knife. [REDACTED] stated he had his briefcase containing his gun nearby so he grabbed his gun, warned [REDACTED] to stop then shot [REDACTED]. [REDACTED] did not make contact with [REDACTED] with the knife. [REDACTED] then stumbled out of the apartment and down the stairs. [REDACTED] stated he then called his mother, an ambulance and then the police.

[REDACTED] was then asked what became of the second copy of the 100 pages which he claimed to possess. He replied that he would not disclose the whereabouts of these papers. He stated he wanted the FBI to intercede and get all state and federal charges against him dismissed, at which time he would produce the xeroxed 100 pages. It was again explained to [REDACTED] that the FBI is not in a position to promise anything regarding the dismissal of state and federal charges.

[REDACTED] was then asked why it was that he was willing to talk to the FBI regarding this matter at this time. He replied that he thought the government would want this information to be used in the ELLSBERG trial in Los Angeles. He believed this information would destroy the idealism of DANIEL ELLSBERG as a political martyr who has admitted to distributing secret documents to help end the war, but in actuality according to [REDACTED] used some of the papers for personal reasons. ELLSBERG DANIEL ELLSBERG

[REDACTED] was again asked the current whereabouts of the 100 pages of the Pentagon Papers at which time he reaffirmed his unwillingness to disclose their location until some concessions were made. These consisted of the dropping of all state and federal charges and the return

7

SMB:lcj

of his belongings and passport as it was his desire to leave the country.

[REDACTED] then stated he knew of some information which would assist in the location of BERNARDINE DOHRN, presently listed on the FBI Top Ten Most Wanted list, but declined to provide this information until above same concessions were met.

[REDACTED] also declined to furnish a signed statement regarding the above information at this time.

[REDACTED]

Daniel Ellsberg has publicly stated that he obtained and xeroxed official government records for release to the American press. These papers have subsequently been called the "Pentagon Papers."

The Jewish Defense League (JDL), founded in 1968, is composed primarily of young Jewish militants who consider themselves as defenders of "Jewish Rights." Demonstrations attempting to dramatize the Jewish problem in Russia and similar demonstrations against Arab establishments have often resulted in violence. Rabbi Meir Kahane, founder and National Director, has stated publicly on many occasions that violence is sometimes necessary to accomplish the aims of the JDL.

Louis Armstrong is the late negro musician of world renown.

Bernadine Dohrn is currently listed on the FBI Top Ten Wanted List.

Judge Buckley: San Francisco indices contain no information identifiable with Judge Buckley. Further identifying information on Judge Buckley not available.

The following is a description of [REDACTED]

[REDACTED]

Race
Sex
Date of Birth
Height
Weight
Eyes
Hair
Build

[REDACTED]

F B I

Date: 11/3/72

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL _____
(Priority)

CST
TO: ACTING DIRECTOR, FBI (65-74060)
FROM: *Bjork* SAC, CLEVELAND (65-3521) (P)
SUBJECT: MC LEK
SIO

Re Cleveland airtel to Bureau, 10/19/72,
which indicated DANIEL ELLSBERG would speak at Case-
Western Reserve University (CWRU), Cleveland, Ohio,
on that date.

Enclosed for the Bureau are two xerox copies
each of three newspaper accounts which appeared in Cleveland
area newspapers following ELLSBERG's appearance. Enclosed
for Los Angeles is one xerox copy each of these accounts.

[REDACTED] who has furnished
reliable information in the past, attended ELLSBERG's
speech and stated approximately 350 - 400 people were in
attendance. [REDACTED] the basic idea of his speech was
to speak out for the defeat of President NIXON in the
upcoming elections. [REDACTED] felt ELLSBERG was attempting to
gain support of those present at his speech by indicating
there would be some type of repressive action taken against
those who do not support the Vietnam policy of the President
following NIXON's re-election.

- 2 - Bureau (Enc. 6) (RM)
2 - Los Angeles (Enc. 3) (RM)
2 - Cleveland
GJS/cac
(6)

*1cc each newspaper and
to 1SD-Martin (info) 11-6-72*

JRW/rep

ST 109

REC-75

65-74060-4061

11-6-72

18 NOV 6 1972

71
SPECIAL AGENT IN CHARGE

97 NOV 8 1972

Approved: _____ Sent _____ M Per _____

Special Agent in Charge

(Mount Clipping in Space Below)

Ellsberg at teach-in Thurs.

Daniel Ellsberg, the central figure in the release of the Pentagon Papers to the American public, will be the featured speaker at a public teach-in meeting this Thursday night in the Student Union Ball Room.

Appearing with him will be Dr. E.W. Pfeiffer, a leading authority on the ecological effects of bombing in Indochina.

The meeting is being sponsored by the University Circle Teach-in Committee, the Indochina Peace Campaign, and the UUSG speakers bureau, to emphasize that the war in Southeast Asia remains an urgent issue in the November elections.

The Teach-in Committee, made up of antiwar faculty, staff and students at CRWU, has been actively opposed to our involvement in Vietnam since 1965, first under President Johnson and then under President Nixon.

The Indochina Peace Campaign, a recently formed, nationally coordinated effort with similar aims, also plans other major public meetings in the Cleveland area in the last week in October, featuring Jane Fonda, Tom Hayden, and others. The teach-in is free and open to the public, and will begin at 8:00 p.m.

As the result of making the Pentagon Papers available to the public in June, 1971, Daniel Ellsberg has since been brought to trial in federal court in Los Angeles on charges which could bring a sentence of more than 100 years in prison. A stay in the trial has been granted by the U.S. Supreme Court following a defense challenge on matters concerning evidence collected by the government.

Meanwhile, Ellsberg has traveled widely over the country, appearing before many kinds of audiences, and on television and radio, to educate the American people about the real history of our involvement in the Indochina war. Ellsberg's book, *Papers on the War*, explaining his own part, first in supporting and then opposing this longest conflict in American history, was published this summer.

Dr. E.W. Pfeiffer, professor of zoology at the University of Montana, participated in the work of the University Circle Teach-in Committee while studying at CWRU in 1965-1966. Later, visiting battle zones in Indochina, he witnessed the destruction of the ecology resulting from air attacks. In particular, he investigated the wrecking of forest areas and agriculture by defoliation, bombing, cratering, and deep plowing.

The teach-in program on October 19th will also include student presentations of graphics, slides, poetry, and dance, emphasizing the human dimensions of the war and the lives and culture of the people of Indochina. Following the regular program there will be workshops and smaller meetings on various aspects of the war, for those interested.

(Indicate page, name of newspaper, city and state.)

Pg.1 The Observer
Cleveland, Ohio
10-17-72

Date:

Edition:

Author:

Editor: Richard Badler

Title:

Character:

or

Classification:

Submitting Office: Cleveland

☐ Being Investigated

65 70660
ENCLOSURE

4061



Daniel Ellsberg



E.W. Pfeiffer

(Mount Clipping in Space Below)

Ellsberg talk here hits Nixon

By BARBARA WEISS

Daniel Ellsberg, who released secret papers giving Americans a behind-the-scenes view of Pentagon war maneuvering, warned here that a landslide victory for President Nixon would, in effect, turn the Congress, courts and the press into presidential puppets.

Addressing an anti-war teach-in at Thwing Hall on the campus of Case Western Reserve University, Ellsberg said that all three agencies would be lined up in front of the White House a day after such a victory waiting for their orders.

Ellsberg told his audience that McGovern is the best candidate in years adding:

"I believe he can end the war and that Nixon will not. It's the difference between war and peace."

ELLSBERG CONCEDED that McGovern might not win but urged his audience to the goal of depriving Nixon of a landslide victory which he believes could lead to repression.

Challenging the portrait of Nixon being drawn by the president's supporters, Ellsberg said.

"Nixon is being heralded as the peace candidate because of his trips to China and Russia.

"But what of Vietnam?"

ELLSBERG CHARGED that in failing to keep his promise to end the war, Nixon has even undermined the credibility of his opponents, leading many to believe that if Nixon and his predecessors lied and manipulated the public, what hope is there that a new man will step in and end the war.

Ellsberg also turned a critical eye on the news media saying that "it excused itself for not educating the people by saying that they (the people) don't care."



Daniel Ellsberg

(Indicate page, name of newspaper, city and state.)

B-2 Cleveland Press
Cleveland, Ohio

Date: 10-20-72

Edition: Final

Author:

Editor: Thomas L. Boardman

Title:

Character:

or

Classification:

Submitting Office: Cleveland

☐ Being Investigated

65-3521

4001

(Mount Clipping in Space Below)

Nixon Would Peril Freedoms: Ellsberg

By Carl Kovac

A landslide victory next month would give President Nixon carte blanche to clamp down on First Amendment freedoms, Daniel Ellsberg said here yesterday.

Ellsberg, the central figure in the release of the Pentagon Papers to the American public, came to Cleveland to speak at an antiwar teach-in at Thwing Hall, Case Western Reserve University.

HE URGED students, faculty and noncampus sympathizers at the teach-in to discard any cynicism they might have about the presidential race and work to elect Sen. George S. McGovern.

In an interview at his hotel earlier in the day, Ellsberg contended: "Nixon's failure to end the war as he had promised has, in effect, driven the last nail into students' disbelief of politicians. He has actually undermined the credibility of any opponent who promises to end the war. I want students to understand that a cynical, apathetic mind represents manipulation by the administration."

Emphasizing that he is not part of the McGovern campaign, Ellsberg said that even if what he is doing—talking to students and others across the country—has the effect of reducing Nixon's margin of victory, "it's a worthy goal."

He stated that "a landslide would remove much institutional resistance to Nixon's politics. He'd have a free hand to reduce the freedoms of the First Amendment. The day after a Nixon landslide, senators, judges and editors would, in effect, be standing at attention waiting for their orders."

ASKED WHAT he thought of McGovern, Ellsberg was enthusiastic. "If you concede every human limitation attributed to him, he's still almost a miraculous candidate. He's really the best we've seen in a generation. It's very unfair to see him as a lesser evil. I think George McGovern is much more than that."

Ellsberg said he does not blame the Nixon administration for all of the country's current problems. These problems, he said, have been building up through a succession of administrations.

At Thwing Hall, he told those at the teach-in that "next month will be very significant because it holds the most promise for political activity you'll have for some time. It's the best chance to end the war. Nixon's re-election practically guarantees four more years of war."

(Indicate page, name of newspaper, city and state.)

F-8 Cleveland Plain Dealer

Cleveland, Ohio

10-20-72

Final

Date:

Edition:

Author:

Editor:

Title:

Thomas Vail

Character:

or

Classification:

Submitting Office: Cleveland

☐ Being Investigated

65-3521

ENCLOSURE

4061



Daniel Ellsberg

FBI

Date: 9/27/72

Transmit the following in _____

(Type in plaintext or code)

Via AIRTEL _____

(Priority)

TO : ACTING DIRECTOR, FBI (65-74060)

FROM : SAC, BOSTON (65-3235)

SUBJECT: 6 RE: LHM - SIO

Re San Francisco airtel to Bureau, dated 9/26/72, captioned:

Enclosed herewith for the Bureau are five copies, for Little Rock one copy, for New York two copies, for Philadelphia one copy, for Los Angeles two copies, for San Francisco two copies, of an LHM captioned, "DANIEL MALSBERG; ANTHONY JOSEPH RUSSO, JR.".

Investigation at Arlington, Mass. Police Department reflects that [redacted] has a reputation as a "swindler, con man, and liar" and it is, therefore, quite probable that he has made up the story concerning [redacted] and his connection with DANIEL MALSBERG. His motives for revealing this story at this time are open to valid speculation. Included in this speculation are the following:

[redacted] advised that the parents of [redacted] are aware of some of the allegations that their son was a homosexual and are extremely troubled that such

- 2 - Bureau (RM) *ST-115 REC-41*
 1 - Little Rock (Enc. 1) (RM) *laurel + encl retained 612 Pabstler*
 2 - Los Angeles (Enc. 2) (RM) *11-3-72*
 2 - New York (Enc. 2) (RM) *11-7-72*
 1 - Philadelphia (Enc. 1) (RM) *Rufus*
 2 - San Francisco (Enc. 2) (RM)
 2 - Boston

BRR/ln

Tik

25 SEP 30 1972

SPEC. INQ. OFFICE

97 NOV 1 1972

Sent _____

Special Agent in Charge

U.S. GOVERNMENT PRINTING OFFICE: 1971 O - 311-111

information will be made known because of the effect it would have on them and their other children. They have been pushing for the prosecution of [REDACTED] for their son's murder by furnishing the Arlington Police Department any information that they have learned concerning [REDACTED] and by visiting the local district attorney to determine the status of this case. During interview on 9/25/72, they stated that while [REDACTED] was in Arlington, out on bail awaiting trial for their son's murder, the elderly [REDACTED] were very fearful that [REDACTED] might harm them because of their activity in opposing bail and trying to get [REDACTED] trial started. As a result of the [REDACTED] might try to bring out the fact that [REDACTED] was a homosexual in some spectacular fashion by linking him with the ELLSBERG case.

Another reason could be based on the fact that [REDACTED] was apprehended in California where there has been, of course, considerable publicity concerning the ELLSBERG case and he may feel that by linking himself with that case he may be able to plead that the resultant publicity would prejudice his getting a fair trial at this time which could delay a trial in either California or Massachusetts.

The records of the [REDACTED] were made available to SA [REDACTED] on 9/25/72 by [REDACTED]

It should be noted that [REDACTED] the victim's father, sat in on the interview of [REDACTED] however, since he has recently suffered a shock which impairs his speech, [REDACTED] spoke for both parents.



UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to
File No.

Boston, Massachusetts

September 27, 1972

DANIEL ELLEBERG;
ANTHONY JOSEPH RUSSO, JR.

On September 25, 1972, [redacted] made available the file concerning the murder of [redacted] which occurred on August 5, 1972, at Arlington, Massachusetts, to a Special Agent of the Federal Bureau of Investigation (FBI). This file reflected that [redacted] was arrested at the scene of the murder which occurred in [redacted] apartment building. At that time, [redacted] surrendered the weapon used in the crime and when he was arrested he was asked who shot [redacted] and he replied, "I did." Further interview of [redacted] was discontinued when his attorney advised [redacted] not to say anything to the interviewing police officers.

[redacted] was subsequently released on \$20,000 bail on the murder charge and fled the State of Massachusetts. He did not appear for his trial.

[redacted] advised a Special Agent of the FBI on September 25, 1972, that [redacted] has been involved in various crimes in recent years and most recently cashed more than \$1,000 in Traveler's Checks of the First National City Bank of New York. [redacted] described [redacted] as a pathological liar who he believes to have a mental problem. He added that [redacted] has operated as a "smooth con man" who could present a made up story on any matter.

[redacted] stated that his department investigated a story in connection with the [redacted] murder which reflected that [redacted] had provided [redacted] with a copy of the National Merit Scholarship Examination in 1967 which he, [redacted] had stolen and [redacted] had not paid [redacted] for this examination. He stated that investigation reflected

65-74060-4067

ENCLOSURE

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. E. S. Miller

1 - Mr. Miller
1 - Mr. Branigan

DATE: 11/3/72

FROM : J. R. Wagoner

1 - Mr. Shackelford
1 - Mr. H. Mallet
1 - Mr. Wagoner

SUBJECT: MC LEK
SIO

Felt _____
Baker _____
Bates _____
Bishop _____
Callahan _____
Cleveland _____
Conrad _____
Dalbey _____
Jenkins _____
Marshall _____
Mittler, E.S. _____
Ponder _____
Soyars _____
Walters _____
Tele. Room _____
Mr. Kinley _____
Mr. Armstrong _____
Ms. Herwig _____
Ms. Keenan _____

Any man from

[REDACTED] currently confined Alameda County Jail, Alameda, California, has offered information for purpose of discrediting the public image of Daniel Ellsberg as well as information concerning the present whereabouts of Weatherman fugitive Bernadine Dohrn. San Francisco Office of opinion no further action should be taken based on information he has furnished to date. Attached is airtel to interested offices concurring with San Francisco's opinion.

ST-111 REC-70 65 7/10/60 4068

[REDACTED] is currently confined Alameda County Jail, Alameda, California, on bad check and stolen automobile charges and is awaiting extradition proceedings concerning charge of murdering a [REDACTED]. [REDACTED] request and with Bureau approval he was interviewed in the presence of his attorney. He contended the murder [REDACTED] occurred as a result of an argument over distribution of money obtained from sale of copies of Pentagon papers to Soviets. During 5/71 he and [REDACTED] conspired to extort money from Ellsberg using the threat of exposure of homosexual activities between Ellsberg and [REDACTED] to tarnish Ellsberg's public image. [REDACTED] suggested to [REDACTED] that he obtain some of the Pentagon papers as payment because of their salability. Sometime between 5/19 and 6/10/71 [REDACTED] was able to obtain about 100 papers from Ellsberg which had never been published. Since some of the papers had previously been published it was decided an attempt should be made to sell them to the Soviets. [REDACTED] furnished a rambling account of subsequent events leading to a contact between 7/1-7/7/71 with a Soviet in a New York City hotel where [REDACTED] received \$2500. This contact was initiated through the Soviet Consulate in New York City, and was unknown to [REDACTED]. On 8/5/71 [REDACTED] accused [REDACTED] of meeting with the Soviets and keeping the money for himself. During a violent argument and in self-defense, [REDACTED] shot him.

20 NOV 9 1972

[REDACTED] contended although he has never met Bernadine Dohrn he is aware that she is traveling and residing with a "friend" whose address and name he could provide after several telephone calls.

Enc.
JRW:mah (6)

SPEC. INV. OFFICE

CONTINUED - OVER

97 NOV 14 1972

Memorandum for Mr. Miller
RE: MC LEK

[REDACTED] agreed to provide information leading to the location of Dohrn as well as copies of the 100 pages of the Pentagon papers provided it was agreed in writing by the FBI that he be paid \$25,000, all Federal charges pending against him dropped and various other concessions concerning personal property seized by local authorities.

[REDACTED] was advised of the penalties for furnishing false statements to FBI Agents and further that no promises could be made to him with respect to conditions he had enumerated.

OBSERVATIONS:

[REDACTED] attorney has described him as a prolific liar. It should be noted none of the Pentagon papers were published prior to 6/13/71 although [REDACTED] makes reference to such publication during 5/71. [REDACTED] made reference to ruining Ellsberg's public image in 5/71. Other than the academic community, several antiwar groups, and prior friends in U.S. Government. Ellsberg had never been heard of as of 5/71.

[REDACTED] This would have been a half a month before [REDACTED] alleged meeting with the Soviet in New York City where there is no Soviet Consulate. Investigation of Ellsberg's activities and associates indicated Ellsberg to have been a "ladies man" rather than a homosexual. Neither [REDACTED] nor [REDACTED] came to notice in Ellsberg investigation. Information received from Massachusetts authorities relative to outstanding murder charge against [REDACTED] as well as interview of [REDACTED] parents does not substantiate any [REDACTED] statements relative to the Pentagon papers. Investigation of [REDACTED] on bad check and stolen automobile charges did not develop information indicating him to have any New Left connections. It is unlikely he has any positive information concerning whereabouts of Dohrn.

Interviewing Agents are of opinion [REDACTED] allegations are contrived to alleviate his participation in killing [REDACTED] and use of FBI to show cooperation with law enforcement for purpose of helping him in future court proceedings. San Francisco of opinion no further action should be taken in this matter.

ACTION:

Attached airtel being sent pertinent offices advising no further action should be taken with respect to information furnished by [REDACTED] and specifically that San Francisco should not initiate further contact with him.

*Jim 11-5-P
10:35*

EM

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

NOV 07 1972

TELETYPE

Mr. Felt	_____
Mr. Baker	_____
Mr. Bishop	_____
Mr. Callahan	_____
Mr. Cleveland	_____
Mr. Conrad	_____
Mr. Dalbey	_____
Mr. Galt	_____
Mr. Jenkins	_____
Mr. Marshall	_____
Mr. Miller	_____
Mr. Ponder	_____
Mr. Soyars	_____
Mr. Walters	_____
Tele. Room	_____
Mr. Kinley	_____
Mr. Armstrong	_____
Ms. Herwig	_____
Mrs. Neenan	_____

NR005 PH CODE

12:35PM URGENT 11-7-72 SDB

TO ACTING DIRECTOR (65-74060) ATTN: DOMINTEL
BOSTON (65-5236)

LOS ANGELES (105-27952)

FROM PHILADELPHIA (65-6436) 2P

MC LEX, SIO.

THE "PHILADELPHIA INQUIRER" IN ITS NOVEMBER SIX SEVENTY TWO EDITION CARRIED AN ARTICLE ON PAGE FORTY NINE REFLECTING DANIEL ELLSBERG WAS SCHEDULED TO LECTURE AT TEMPLE UNIVERSITY, PHILADELPHIA, PA., AT TWO P.M., ON NOVEMBER SIX LAST. HIS VISIT TO TEMPLE WAS SPONSORED BY THE STUDENT UNION BOARD.

THE SAME NEWSPAPER ON NOVEMBER SEVEN INSTANT REPORTED THAT ELLSBERG HELD A PRESS CONFERENCE AT TEMPLE UNIVERSITY ON NOVEMBER SIX SEVENTY TWO. THE ARTICLE REPORTING ON THE PRESS CONFERENCE IN PART READ, "ELLSBERG FACING CHARGES OF STEALING CLASSIFIED MATERIAL AND ESPIONAGE FOR LEAKING THE PENTAGON PAPERS TO THE NEW YORK TIMES. END PAGE ONE

REC-64

ST-103

NOV 9 1972

97 NOV 14 1972

PH 65-6436

PAGE TWO

IS PETITIONING THE SUPREME COURT TO HEAR HIS CASE. HE HAD EXPECTED A DECISION MONDAY AND PLANNED THE PRESS CONFERENCE TO GIVE HIS REACTION." ELLSBERG ALSO TALKED ABOUT THE PRESIDENTIAL ELECTION.

ADMINISTRATIVE

PHILADELPHIA WILL FORWARD COPIES OF NEWSPAPER ARTICLES CONCERNING ELLSBERG' S VISIT TO THE BUREAU UNDER SEPARATE COVER.

EMD

LXS FBI WASH DC CLR

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

NR 009 SF CODE

11:35 PM NITEL 11/1/72 EJC

NOV 2 1972

TELETYPE

TO: ACTING DIRECTOR

ATTN: DID

BOSTON

CHICAGO (176-1103)

LOS ANGELES

NEW YORK

FROM: SAN FRANCISCO

Mr. Felt	_____
Mr. Baker	_____
Mr. Bishop	_____
Mr. Callahan	_____
Mr. Cleveland	_____
Mr. Conrad	_____
Mr. Dalbey	_____
Mr. Gebhardt	_____
Mr. Jenkins	_____
Mr. Marshall	_____
Mr. Miller, ES.	_____
Mr. Purvis	_____
Mr. Soyars	_____
Mr. Walters	_____
Tele. Room	_____
Mr. Kinley	_____
Mr. Armstrong	_____
Ms. Herwig	_____
Mrs. Neenan	_____

LEK, SIO, BUFILE SIX FIVE DASH SEVEN FOUR ZERO SIX ZERO,
FRANCISCO FILE [REDACTED]

[REDACTED] DASH FUGITIVE (WEATHFUG), IO NUMBER FOUR THREE SIX
UFAP DASH MOB ACTION, ARL DASH CONSPIRACY, TOP TEN
VE, BUFILE [REDACTED] SAN
SCO FILE [REDACTED]

RE SAN FRANCISCO AIRTEL TO THE BUREAU, OCTOBER THIRTY,
LAST, CAPTIONED MC LEK.

FOR INFORMATION OF CHICAGO DIVISION, [REDACTED]

[REDACTED] WHO IS CURRENTLY CONFINED AT THE ALAMEDA COUNTY JAIL
ON BAD CHECK AND STOLEN AUTOMOBILE CHARGES AND IS AWAITING
EXTRADITION PROCEEDINGS ON MURDER CHARGES FURNISHED INFORMATION
TO EFFECT THAT MURDER OF FELLOW [REDACTED]
[REDACTED] OCCURRED IN ARGUMENT OVER DISTRIBUTION OF FUNDS

D PAGE ONE

XEROX

NOV 9 1972

UNRECORDED COPY FILED IN

NOV 9 1972

OBTAINED FROM SALE OF ELLSBERG PENTAGON PAPERS TO SOVIETS AND THAT HE IS AWARE OF LOCATION OF DOHRN.

ON OCTOBER THREE ONE, LAST, [REDACTED] ADVISED THAT HE WAS WILLING TO FURNISH THE LOCATION OF DOHRN PROVIDED THAT THE FOLLOWING CONDITIONS ARE MET BY THE BUREAU:

ONE DASH PAYMENT OF TWENTY-FIVE THOUSAND DOLLARS.

TWO DASH DROPPING OF ANY FEDERAL CHARGES PENDING AGAINST HIM.

THREE DASH ⁰ALL₁OWING HIM FREE TELEPHONE CALLS IN PRIVATE FOR APPROXIMATELY EIGHT HOURS.

FOUR DASH RETURN OF ALL HIS PROPERTY CONFISCATED BY THE BERKELEY POLICE DEPARTMENT, INCLUDING HIS REGULAR AND FRAUDULENT DIPLOMATIC PASSPORTS, CLOTHES, AND BRIEF CASE WITH ITEMS ENCLOSED.

FIVE DASH RETURN OF ALL PERSONAL PROPERTY CONFISCATED BY THE MANAGEMENT OF THE MARK HOPKINS HOTEL, SAN FRANCISCO, FOR NON-PAYMENT OF BILL.

[REDACTED] WAS ADVISED THAT IF CONDITIONS ACCEPTED, NO PAYMENT WOULD BE MADE UNTIL DOHRN APPREHENDED. [REDACTED] WAS ADVISED OF THE PENALTIES OF FURNISHING FALSE STATEMENTS TO BUREAU AND INDICATED HE HAS NEVER MET DOHRN BUT KNOWS HER LOCATION. HE ADVISED SHE IS CURRENTLY TRAVELING AND RESIDING WITH A FRIEND IN THE EAST AND COULD PROVIDE THE FRIEND'S ADDRESS AFTER A FEW CALLS.

[REDACTED] INDICATED HE IS WILLING TO FURNISH INFORMATION AFTER THE BUREAU HAS AGREED IN WRITING, SIGNED BEFORE HIS ATTORNEY, A PROMISE TO MEET ABOVE CONDITIONS.

PAGE THREE

SF 65-6076

IT IS NOTED THAT [REDACTED] IS AN ADMITTED HOMOSEXUAL, PRESENTLY CONFINED ON CHARGES INCLUDING MURDER, CLAIMS POSSESSION OF ELLSBERG PENTAGON PAPERS, AND LOCATION OF DOHRN. [REDACTED] DID NOT INDICATE KNOWLEDGE OF DOHRN UNTIL SPECIFICALLY ADVISED THAT SHE WAS A FUGITIVE SOUGHT BY THE BUREAU. [REDACTED] IS NOT KNOWN TO HAVE ANY NEW LEFT CONNECTIONS.

SAN FRANCISCO INTERVIEWING AGENTS ARE OF OPINION THAT [REDACTED] ALLEGATIONS ARE CONTRIVED TO ALLEVIATE HIS PARTICIPATION IN KILLING OF ASSOCIATE AND USE THE FBI TO SHOW COOPERATION WITH LAW ENFORCEMENT IN ORDER TO HELP HIM IN ANY FUTURE COURT PROCEEDING. SAN FRANCISCO IS ALSO OF THE OPINION THAT NO FURTHER ACTION SHOULD BE TAKEN IN THIS MATTER.

ARMED AND DANGEROUS - EXTREMIST.

END

FBI WA RDR

CC: MR. CLEVELAND

3

ST-102

REC-75

Airte

65-74060-4070

To: SACs Boston
Chicago
Los Angeles
New York
San Francisco

1 - Mr. E. S. Miller
1 - Mr. W. A. Branigan
1 - Mr. R. M. Shackelford
11/6/72
1 - Mr. H. Mallet
1 - Mr. J. R. Wagoner

From: Acting Director, FBI

MC LEK
SIO

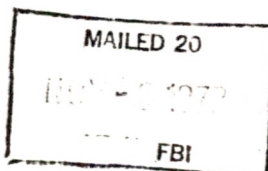
ReSFtel dated 11/1/72.

FBI Headquarters concurs with San Francisco's opinion that further action should be taken with respect to the information furnished by [REDACTED] concerning the "Pentagon papers" or Bernardine [REDACTED]. In addition, San Francisco should not initiate further contact with [REDACTED]

JRW:bl *bl*
(16)

NOTE:

See memorandum J. R. Wagoner to Mr. E. S. Miller dated 11/3/72, captioned as above, JRW:bh.



EM

OV 1: 1972
dm *7*

*JRW 11-5
10:35P*

TELETYPE UNIT ☐